

grounds for impeachment, while his activities surrounding Monica Lewinsky would not, the professors say, is that misuse of FBI files would implicate Mr. Clinton's powers as president. But if Mr. Starr has found any such evidence, he has not sent it to Congress, which he is statutorily bound to do.

One professor who believes there is no doubt that President Clinton's behavior in the Lewinsky matter merits his impeachment is John O. McGinnis, who teaches at Yeshiva University, Benjamin N. Cardozo School of Law. "I don't think we want a parliamentary system, although I would point out that it's not as though we're really going to have a change in power. If Clinton is removed there will be Gore, sort of a policy clone of Clinton. A parliamentary system suggests a change in party power. That fear is somewhat overblown."

Professor McGinnis considers the reasons for impeachment obvious. "I don't think the Constitution cares one whit what sort of incident [the alleged felonies] come from," he says. "The question is, 'Can you have a perjurer and someone who obstructs justice as president?' And it seems to me self-evident that you cannot. The whole structure of our country depends on giving honest testimony under law. That's the glue of the rule of law. You can go back to Plato, who talks about the crucialness of oaths in a republic. It's why perjury and obstruction of justice are such dangerous crimes."

This argument has some force, says Professor Kmiec, but the public is hesitant to impeach in this case because of a feeling that "the entire process started illegitimately, that the independent counsel statute is flawed and that the referral in this case was even more flawed, in that it was done somewhat hastily by the attorney general."

Jesse H. Choper, a professor at the University of California at Berkeley School of Law (Boalt Hall) and co-author of a con-law casebook now in its seventh edition, agrees that perjury, committed for any reason, can count as an impeachable offense. "The language says 'high crimes and misdemeanor,' and [perjury] is a felony, so my view is that it comes within the [constitutional] language. But whether we ought to throw a president out of office because he lied under oath in order to cover up an adulterous affair . . . my judgment as a citizen would be that it's not enough."

A JUDGE WOULD BE IMPEACHED

Many of the professors say Mr. Clinton would almost certainly be impeached for precisely what he has done, were he a judge rather than the president. That double standard, they say, is contemplated by the Constitution in a roundabout way. Says Pro-

fessor Kmiec, "The places where personal misbehavior is raised have entirely been in the context of judicial officers. There is a healthy amount of scholarship that suggests that one of the things true about judicial impeachments (which is not true of executive impeachments) is the additional phraseology saying that judges serve in times of good behavior. The counterargument is that there is only one impeachment clause, applying to executive and judicial alike. But . . . our history is that allegations of profanity and drunkenness, gross personal misbehavior, have come up only in the judicial context."

In addition to history, there is another reason for making it harder to impeach presidents, says Akhil Reed Amar, who teaches constitutional law at Yale Law School and who recently published a book on the Bill of Rights: "When you impeach a judge, you're not undoing a national election . . . The questions to ask is whether [President Clinton's] misconduct is so serious and malignant as to justify undoing a national election, canceling the votes of millions and putting the nation through a severe trauma."

THEY'RE UNCOMFORTABLE

None of these arguments, however, is to suggest that the professors are comfortable with what they believe the president may well be doing: persistently repeating a single, essential lie—that his encounters did not meet the definition of sexual relations at his Paula Jones deposition. Mr. Clinton admits that this definition means he could never have touched any part of her body with the intent to inflame or satiate her desire. It is an assertion that clashes not only with Ms. Lewinsky's recounting of her White House trysts to friends, erstwhile friends and the grand jury, but also with human nature.

"That's one of the two things that trouble me most about his testimony—that he continues to insist on the quite implausible proposition [of] 'Look, Ma, no hands,' which is quite inconsistent with Monica Lewinsky's testimony, and that he's doing that in what appears to be quite a calculated way," Professor Tribe laments. "But I take some solace in the fact that [a criminal prosecution of perjury] awaits him when he leaves office."

Professor Amar agrees that "whatever . . . crimes he may have committed, he'll have to answer for it when he leaves office, and that is the punishment that will fit his crime."

Also disturbing to Professor Tribe is the president's apparent comfort with a peculiar concept of what it means to tell the truth, a concept the professor describes as "It may be deceptive, but if you can show it's true under a magnifying glass tilted at a certain angle, you're OK."

But even that distortion, he believes, does not reach the high bar the Founders set for imposing on presidents the political equivalent of capital punishment.

"It would be a disastrous precedent to say that when one's concept of truth makes it harder for people to trust you, that that fuzzy fact is enough to say there has been impeachable conduct," Professor Tribe says. "That would move us very dramatically toward a parliamentary system. Whether someone is trustworthy is very much in the eye of the beholder. The concept of truth revealed in his testimony makes it much harder to have confidence in him, but the impeachment process cannot be equated with a vote of no confidence without moving us much closer to a parliamentary system."

Professor Kmiec does suggest that something stronger than simple "no confidence" might form the possible basis for impeachment. Call it "no confidence at all." "It is possible that one could come to the conclusion that the president's credibility is so destroyed that he'd have difficulty functioning as an effective president," Professor Kmiec says, "But the public doesn't seem to think so, and I don't know that foreign leaders think so," given the standing ovation Mr. Clinton received at the United Nations.

In the end, Professor Howard says that he opposes impeachment under these conditions not only because the past suggests it is inappropriate, but also because of the dangerous precedent it would set. "Starting with the Supreme Court's devastatingly unfortunate and totally misconceived opinion [in Clinton v. Jones, which allowed Ms. Jones's suit to proceed against the president while he was still in office], this whole controversy has played out in a way that makes it possible for every future president to be harassed at every turn by his political enemies," Professor Howard warns. "To draw fine lines and say that any instance of stepping across that line becomes impeachable invites a president's enemies to lay snares at every turn in the path. I'm not sure we want a system that works that way."

The other "jurors" on this panel of constitutional law professors were:

The one essentially abstaining "juror": Michael J. Gerhardt, of the College of William and Mary, Marshall-Wythe School of Law.

Douglas Laycock, of The University of Texas School of Law.

Thomas O. Sargentich, co-director of the program on law and government at American University, Washington College of Law.

Suzanna A. Sherry, professor at the University of Minnesota Law School.

NOTICE

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

CONFERENCE REPORT ON H.R. 1853, CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT OF 1998

Mr. Goodling submitted the following conference report and statement on the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act:

CONFERENCE REPORT (105-800)

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 1853), to amend the Carl D. Perkins Vocational and Applied Technology Education Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT.

(a) *SHORT TITLE.*—This Act may be cited as the "Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998".

(b) *AMENDMENT.*—The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) *SHORT TITLE.*—This Act may be cited as the 'Carl D. Perkins Vocational and Technical Education Act of 1998.

"(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

- "Sec. 1. Short title; table of contents.
- "Sec. 2. Purpose.
- "Sec. 3. Definitions.
- "Sec. 4. Transition provisions.
- "Sec. 5. Privacy.
- "Sec. 6. Limitation.
- "Sec. 7. Special rule.
- "Sec. 8. Authorization of appropriations.

"TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES"

"PART A—ALLOTMENT AND ALLOCATION"

- "Sec. 111. Reservations and State allotment.
- "Sec. 112. Within State allocation.
- "Sec. 113. Accountability.
- "Sec. 114. National activities.
- "Sec. 115. Assistance for the outlying areas.
- "Sec. 116. Native American program.
- "Sec. 117. Tribally controlled postsecondary vocational and technical institutions.
- "Sec. 118. Occupational and employment information.

"PART B—STATE PROVISIONS"

- "Sec. 121. State administration.
- "Sec. 122. State plan.
- "Sec. 123. Improvement plans.
- "Sec. 124. State leadership activities.

"PART C—LOCAL PROVISIONS"

- "Sec. 131. Distribution of funds to secondary school programs.
- "Sec. 132. Distribution of funds for postsecondary vocational and technical education programs.
- "Sec. 133. Special rules for vocational and technical education.
- "Sec. 134. Local plan for vocational and technical education programs.
- "Sec. 135. Local uses of funds.

"TITLE II—TECH-PREP EDUCATION"

- "Sec. 201. Short title.
- "Sec. 202. Definitions.
- "Sec. 203. State allotment and application.
- "Sec. 204. Tech-prep education.
- "Sec. 205. Consortium applications.
- "Sec. 206. Report.
- "Sec. 207. Demonstration program.
- "Sec. 208. Authorization of appropriations.

"TITLE III—GENERAL PROVISIONS"

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS"

- "Sec. 311. Fiscal requirements.
- "Sec. 312. Authority to make payments.
- "Sec. 313. Construction.
- "Sec. 314. Voluntary selection and participation.
- "Sec. 315. Limitation for certain students.
- "Sec. 316. Federal laws guaranteeing civil rights.
- "Sec. 317. Authorization of Secretary.
- "Sec. 318. Participation of private school personnel.

"PART B—STATE ADMINISTRATIVE PROVISIONS"

- "Sec. 321. Joint funding.
- "Sec. 322. Prohibition on use of funds to induce out-of-State relocation of businesses.
- "Sec. 323. State administrative costs.
- "Sec. 324. Limitation on Federal regulations.
- "Sec. 325. Student assistance and other Federal programs.

"SEC. 2. PURPOSE."

"The purpose of this Act is to develop more fully the academic, vocational, and technical skills of secondary students and postsecondary students who elect to enroll in vocational and technical education programs, by—

"(1) building on the efforts of States and localities to develop challenging academic standards;

"(2) promoting the development of services and activities that integrate academic, vocational, and technical instruction, and that link

secondary and postsecondary education for participating vocational and technical education students;

"(3) increasing State and local flexibility in providing services and activities designed to develop, implement, and improve vocational and technical education, including tech-prep education; and

"(4) disseminating national research, and providing professional development and technical assistance, that will improve vocational and technical education programs, services, and activities.

"SEC. 3. DEFINITIONS."

"In this Act:

"(1) **ADMINISTRATION.**—The term 'administration', when used with respect to an eligible agency or eligible recipient, means activities necessary for the proper and efficient performance of the eligible agency or eligible recipient's duties under this Act, including supervision, but does not include curriculum development activities, personnel development, or research activities.

"(2) **ALL ASPECTS OF AN INDUSTRY.**—The term 'all aspects of an industry' means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

"(3) **AREA VOCATIONAL AND TECHNICAL EDUCATION SCHOOL.**—The term 'area vocational and technical education school' means—

"(A) a specialized public secondary school used exclusively or principally for the provision of vocational and technical education to individuals who are available for study in preparation for entering the labor market;

"(B) the department of a public secondary school exclusively or principally used for providing vocational and technical education in not fewer than 5 different occupational fields to individuals who are available for study in preparation for entering the labor market;

"(C) a public or nonprofit technical institution or vocational and technical education school used exclusively or principally for the provision of vocational and technical education to individuals who have completed or left secondary school and who are available for study in preparation for entering the labor market, if the institution or school admits as regular students both individuals who have completed secondary school and individuals who have left secondary school; or

"(D) the department or division of an institution of higher education, that operates under the policies of the eligible agency and that provides vocational and technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.

"(4) **CAREER GUIDANCE AND ACADEMIC COUNSELING.**—The term 'career guidance and academic counseling' means providing access to information regarding career awareness and planning with respect to an individual's occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.

"(5) **CHARTER SCHOOL.**—The term 'charter school' has the meaning given the term in section 10306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066).

"(6) **COOPERATIVE EDUCATION.**—The term 'cooperative education' means a method of instruction of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related vocational and technical education instruction, by alternation of study in school with a job in any occupational field, which alternation shall

be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

"(7) **DISPLACED HOMEMAKER.**—The term 'displaced homemaker' means an individual who—

"(A)(i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;

"(ii) has been dependent on the income of another family member but is no longer supported by that income; or

"(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under this title; and

"(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

"(8) **EDUCATIONAL SERVICE AGENCY.**—The term 'educational service agency' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965.

"(9) **ELIGIBLE AGENCY.**—The term 'eligible agency' means a State board designated or created consistent with State law as the sole State agency responsible for the administration of vocational and technical education or for supervision of the administration of vocational and technical education in the State.

"(10) **ELIGIBLE INSTITUTION.**—The term 'eligible institution' means—

"(A) an institution of higher education;

"(B) a local educational agency providing education at the postsecondary level;

"(C) an area vocational and technical education school providing education at the postsecondary level;

"(D) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452 et seq.);

"(E) an educational service agency; or

"(F) a consortium of 2 or more of the entities described in subparagraphs (A) through (E).

"(11) **ELIGIBLE RECIPIENT.**—The term 'eligible recipient' means—

"(A) a local educational agency, an area vocational and technical education school, an educational service agency, or a consortium, eligible to receive assistance under section 131; or

"(B) an eligible institution or consortium of eligible institutions eligible to receive assistance under section 132.

"(12) **GOVERNOR.**—The term 'Governor' means the chief executive officer of a State or an outlying area.

"(13) **INDIVIDUAL WITH LIMITED ENGLISH PROFICIENCY.**—The term 'individual with limited English proficiency' means a secondary school student, an adult, or an out-of-school youth, who has limited ability in speaking, reading, writing, or understanding the English language, and—

"(A) whose native language is a language other than English; or

"(B) who lives in a family or community environment in which a language other than English is the dominant language.

"(14) **INDIVIDUAL WITH A DISABILITY.**—

"(A) **IN GENERAL.**—The term 'individual with a disability' means an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(B) **INDIVIDUALS WITH DISABILITIES.**—The term 'individuals with disabilities' means more than 1 individual with a disability.

"(15) **INSTITUTION OF HIGHER EDUCATION.**—The term 'institution of higher education' has

the meaning given the term in section 101 of the Higher Education Act of 1965.

“(16) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(17) NONTRADITIONAL TRAINING AND EMPLOYMENT.—The term ‘nontraditional training and employment’ means occupations or fields of work, including careers in computer science, technology, and other emerging high skill occupations, for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

“(18) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

“(19) POSTSECONDARY EDUCATIONAL INSTITUTION.—The term ‘postsecondary educational institution’ means—

“(A) an institution of higher education that provides not less than a 2-year program of instruction that is acceptable for credit toward a bachelor's degree;

“(B) a tribally controlled college or university; or

“(C) a nonprofit educational institution offering certificate or apprenticeship programs at the postsecondary level.

“(20) SCHOOL DROPOUT.—The term ‘school dropout’ means an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent.

“(21) SECONDARY SCHOOL.—The term ‘secondary school’ has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

“(22) SECRETARY.—The term ‘Secretary’ means the Secretary of Education.

“(23) SPECIAL POPULATIONS.—The term ‘special populations’ means—

“(A) individuals with disabilities;

“(B) individuals from economically disadvantaged families, including foster children;

“(C) individuals preparing for nontraditional training and employment;

“(D) single parents, including single pregnant women;

“(E) displaced homemakers; and

“(F) individuals with other barriers to educational achievement, including individuals with limited English proficiency.

“(24) STATE.—The term ‘State’, unless otherwise specified, means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each outlying area.

“(25) SUPPORT SERVICES.—The term ‘support services’ means services related to curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

“(26) TECH-PREP PROGRAM.—The term ‘tech-prep program’ means a program of study that—

“(A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a non-duplicative sequential course of study;

“(B) strengthens the applied academic component of vocational and technical education through the integration of academic, and vocational and technical, instruction;

“(C) provides technical preparation in an area such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, a health occupation, business, or applied economics;

“(D) builds student competence in mathematics, science, and communications (including through applied academics) in a coherent sequence of courses; and

“(E) leads to an associate degree or a certificate in a specific career field, and to high skill, high wage employment, or further education.

“(27) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term ‘tribally controlled college or university’ has the meaning given such term in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)(4)).

“(28) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTION.—The term ‘tribally controlled postsecondary vocational and technical institution’ means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965, except that paragraph (2) of such section shall not be applicable and the reference to Secretary in paragraph (5)(A) of such section shall be deemed to refer to the Secretary of the Interior) that—

“(A) is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or Indian tribes;

“(B) offers a technical degree or certificate granting program;

“(C) is governed by a board of directors or trustees, a majority of whom are Indians;

“(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurship and self-sustaining economic infrastructures on reservations;

“(E) has been in operation for at least 3 years;

“(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational and technical education; and

“(G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

“(29) VOCATIONAL AND TECHNICAL EDUCATION.—The term ‘vocational and technical education’ means organized educational activities that—

“(A) offer a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers (other than careers requiring a baccalaureate, master's, or doctoral degree) in current or emerging employment sectors; and

“(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

“(30) VOCATIONAL AND TECHNICAL STUDENT ORGANIZATION.—

“(A) IN GENERAL.—The term ‘vocational and technical student organization’ means an organization for individuals enrolled in a vocational and technical education program that engages in vocational and technical activities as an integral part of the instructional program.

“(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in vocational and technical education at the local level.

“SEC. 4. TRANSITION PROVISIONS.

“The Secretary shall take such steps as the Secretary determines to be appropriate to provide for the orderly transition to the authority of this Act from any authority under provisions of the Carl D. Perkins Vocational and Applied Technology Education Act, as such Act was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998.

“SEC. 5. PRIVACY.

“(a) GEPA.—Nothing in this Act shall be construed to supersede the privacy protections afforded parents and students under section 444 of the General Education Provisions Act (20 U.S.C. 1232g), as added by the Family Educational Rights and Privacy Act of 1974 (section 513 of Public Law 93-380; 88 Stat. 571).

“(b) PROHIBITION ON DEVELOPMENT OF NATIONAL DATABASE.—Nothing in this Act shall be

construed to permit the development of a national database of personally identifiable information on individuals receiving services under this Act.

“SEC. 6. LIMITATION.

“All of the funds made available under this Act shall be used in accordance with the requirements of this Act. None of the funds made available under this Act may be used to provide funding under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.) or to carry out, through programs funded under this Act, activities that were funded under the School-To-Work Opportunities Act of 1994, unless the programs funded under this Act serve only those participants eligible to participate in the programs under this Act.

“SEC. 7. SPECIAL RULE.

“In the case of a local community in which no employees are represented by a labor organization, for purposes of this Act the term ‘representatives of employees’ shall be substituted for ‘labor organization’.

“SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this Act (other than sections 114, 117, and 118, and title II) such sums as may be necessary for each of the fiscal years 1999 through 2003.

“TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES “PART A—ALLOTMENT AND ALLOCATION

“SEC. 111. RESERVATIONS AND STATE ALLOTMENT.

“(a) RESERVATIONS AND STATE ALLOTMENT.—“(1) RESERVATIONS.—From the sum appropriated under section 8 for each fiscal year, the Secretary shall reserve—

“(A) 0.2 percent to carry out section 115;

“(B) 1.50 percent to carry out section 116, of which—

“(i) 1.25 percent of the sum shall be available to carry out section 116(b); and

“(ii) 0.25 percent of the sum shall be available to carry out section 116(h); and

“(C) in the case of each of the fiscal years 2000 through 2003, 0.54 percent to carry out section 503 of Public Law 105-220.

“(2) STATE ALLOTMENT FORMULA.—Subject to paragraphs (3) and (4), from the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

“(A) an amount that bears the same ratio to 50 percent of the sums being allotted as the product of the population aged 15 to 19 inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

“(B) an amount that bears the same ratio to 20 percent of the sums being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

“(C) an amount that bears the same ratio to 15 percent of the sums being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

“(D) an amount that bears the same ratio to 15 percent of the sums being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

“(3) MINIMUM ALLOTMENT.—

“(A) IN GENERAL.—Notwithstanding any other provision of law and subject to subparagraphs

(B) and (C), and paragraph (4), no State shall receive for a fiscal year under this subsection less than $\frac{1}{2}$ of 1 percent of the amount appropriated under section 8 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

“(B) REQUIREMENT.—No State, by reason of the application of subparagraph (A), shall receive for a fiscal year more than 150 percent of the amount the State received under this subsection for the preceding fiscal year (or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

“(C) SPECIAL RULE.—

“(i) IN GENERAL.—Subject to paragraph (4), no State, by reason of the application of subparagraph (A), shall be allotted for a fiscal year more than the lesser of—

“(I) 150 percent of the amount that the State received in the preceding fiscal year (or in the case of fiscal year 1999 only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998); and

“(II) the amount calculated under clause (ii).

“(ii) AMOUNT.—The amount calculated under this clause shall be determined by multiplying—

“(I) the number of individuals in the State counted under paragraph (2) in the preceding fiscal year; by

“(II) 150 percent of the national average per pupil payment made with funds available under this section for that year (or in the case of fiscal year 1999, only, under section 101 of the Carl D. Perkins Vocational and Applied Technology Education Act, as such section was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

“(4) HOLD HARMLESS.—

“(A) IN GENERAL.—No State shall receive an allotment under this section for a fiscal year that is less than the allotment the State received under part A of title I of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2311 et seq.) (as such part was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998) for fiscal year 1998.

“(B) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

“(b) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallocation. Any such reallocation among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallocated for any use other than the use for which the funds were appropriated. Any amount reallocated to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

“(c) ALLOTMENT RATIO.—

“(I) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

“(A) 0.50; and

“(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

“(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

“(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

“(2) PROMULGATION.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

“(3) DEFINITION OF PER CAPITA INCOME.—For the purpose of this section, the term ‘per capita income’ means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

“(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

“(d) DEFINITION OF STATE.—For the purpose of this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

“SEC. 112. WITHIN STATE ALLOCATION.

“(a) IN GENERAL.—From the amount allotted to each State under section 111 for a fiscal year, the State board (hereinafter referred to as the ‘eligible agency’) shall make available—

“(1) not less than 85 percent for distribution under section 131 or 132, of which not more than 10 percent of the 85 percent may be used in accordance with subsection (c);

“(2) not more than 10 percent to carry out State leadership activities described in section 124, of which—

“(A) an amount equal to not more than 1 percent of the amount allotted to the State under section 111 for the fiscal year shall be available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

“(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for nontraditional training and employment; and

“(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—

“(A) developing the State plan;

“(B) reviewing the local plans;

“(C) monitoring and evaluating program effectiveness;

“(D) assuring compliance with all applicable Federal laws; and

“(E) providing technical assistance.

“(b) MATCHING REQUIREMENT.—Each eligible agency receiving funds made available under subsection (a)(3) shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds received under subsection (a)(3).

“(c) RESERVE.—

“(I) IN GENERAL.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may award grants to eligible recipients for vocational and technical education activities described in section 135 in—

“(A) rural areas;

“(B) areas with high percentages of vocational and technical education students; and

“(C) areas with high numbers of vocational and technical students; and

“(D) communities negatively impacted by changes resulting from the amendments made by

the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998 to the within State allocation under section 231 of the Carl D. Perkins Vocational and Applied Technology Education Act (as such section 231 was in effect on the day before the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998).

“(2) SPECIAL RULE.—Each eligible agency awarding a grant under this subsection shall use the grant funds to serve at least 2 of the categories described in subparagraphs (A) through (D) of paragraph (1).

“SEC. 113. ACCOUNTABILITY.

“(a) PURPOSE.—The purpose of this section is to establish a State performance accountability system, comprised of the activities described in this section, to assess the effectiveness of the State in achieving statewide progress in vocational and technical education, and to optimize the return of investment of Federal funds in vocational and technical education activities.

“(b) STATE PERFORMANCE MEASURES.—

“(I) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish performance measures for a State that consist of—

“(A) the core indicators of performance described in paragraph (2)(A);

“(B) any additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and

“(C) a State adjusted level of performance described in paragraph (3)(A) for each core indicator of performance, and State levels of performance described in paragraph (3)(B) for each additional indicator of performance.

“(2) INDICATORS OF PERFORMANCE.—

“(A) CORE INDICATORS OF PERFORMANCE.—Each eligible agency shall identify in the State plan core indicators of performance that include, at a minimum, measures of each of the following:

“(i) Student attainment of challenging State established academic, and vocational and technical, skill proficiencies.

“(ii) Student attainment of a secondary school diploma or its recognized equivalent, a proficiency credential in conjunction with a secondary school diploma, or a postsecondary degree or credential.

“(iii) Placement in, retention in, and completion of, postsecondary education or advanced training, placement in military service, or placement or retention in employment.

“(iv) Student participation in and completion of vocational and technical education programs that lead to nontraditional training and employment.

“(B) ADDITIONAL INDICATORS OF PERFORMANCE.—An eligible agency, with input from eligible recipients, may identify in the State plan additional indicators of performance for vocational and technical education activities authorized under the title.

“(C) EXISTING INDICATORS.—If a State previously has developed State performance measures that meet the requirements of this section, the State may use such performance measures to measure the progress of vocational and technical education students.

“(D) STATE ROLE.—Indicators of performance described in this paragraph shall be established solely by each eligible agency with input from eligible recipients.

“(3) LEVELS OF PERFORMANCE.—

“(A) STATE ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

“(i) IN GENERAL.—Each eligible agency, with input from eligible recipients, shall establish in the State plan submitted under section 122, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for vocational and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

“(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

“(II) require the State to continually make progress toward improving the performance of vocational and technical education students.

“(ii) IDENTIFICATION IN THE STATE PLAN.—Each eligible agency shall identify, in the State plan submitted under section 122, levels of performance for each of the core indicators of performance for the first 2 program years covered by the State plan.

“(iii) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The Secretary and each eligible agency shall reach agreement on the levels of performance for each of the core indicators of performance, for the first 2 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (vi). The levels of performance agreed to under this clause shall be considered to be the State adjusted level of performance for the State for such years and shall be incorporated into the State plan prior to the approval of such plan.

“(iv) ROLE OF THE SECRETARY.—The role of the Secretary in the agreement described in clauses (iii) and (v) is limited to reaching agreement on the percentage or number of students who attain the State adjusted levels of performance.

“(v) AGREEMENT ON STATE ADJUSTED LEVELS OF PERFORMANCE FOR 3RD, 4TH AND 5TH YEARS.—Prior to the third program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on the State adjusted levels of performance for each of the core indicators of performance for the third, fourth and fifth program years covered by the State plan, taking into account the factors described in clause (vi). The State adjusted levels of performance agreed to under this clause shall be considered to be the State adjusted levels of performance for the State for such years and shall be incorporated into the State plan.

“(vi) FACTORS.—The agreement described in clause (iii) or (v) shall take into account—

“(I) how the levels of performance involved compare with the State adjusted levels of performance established for other States taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

“(II) the extent to which such levels of performance promote continuous improvement on the indicators of performance by such State.

“(vii) REVISIONS.—If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (vi)(II), the eligible agency may request that the State adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary shall issue objective criteria and methods for making such revisions.

“(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible agency shall identify in the State plan, State levels of performance for each of the additional indicators of performance described in paragraph (2)(B). Such levels shall be considered to be the State levels of performance for purposes of this title.

“(c) REPORT.—

“(I) IN GENERAL.—Each eligible agency that receives an allotment under section 111 shall annually prepare and submit to the Secretary a report regarding—

“(A) the progress of the State in achieving the State adjusted levels of performance on the core indicators of performance; and

“(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance for special populations.

“(2) SPECIAL POPULATIONS.—The report submitted by the eligible agency in accordance with paragraph (1) shall include a quantifiable de-

scription of the progress special populations participating in vocational and technical education programs have made in meeting the State adjusted levels of performance established by the eligible agency.

“(3) INFORMATION DISSEMINATION.—The Secretary—

“(A) shall make the information contained in such reports available to the general public;

“(B) shall disseminate State-by-State comparisons of the information; and

“(C) shall provide the appropriate committees of Congress copies of such reports.

“SEC. 114. NATIONAL ACTIVITIES.

“(a) PROGRAM PERFORMANCE INFORMATION.—

“(1) IN GENERAL.—The Secretary shall collect performance information about, and report on, the condition of vocational and technical education and on the effectiveness of State and local programs, services, and activities carried out under this title in order to provide the Secretary and Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of vocational and technical education. The Secretary annually shall report to Congress on the Secretary's aggregate analysis of performance information collected each year pursuant to this title, including an analysis of performance data regarding special populations.

“(2) COMPATIBILITY.—The Secretary shall, to the extent feasible, ensure that the performance information system is compatible with other Federal information systems.

“(3) ASSESSMENTS.—As a regular part of its assessments, the National Center for Education Statistics shall collect and report information on vocational and technical education for a nationally representative sample of students. Such assessment may include international comparisons.

“(b) MISCELLANEOUS PROVISIONS.—

“(1) COLLECTION OF INFORMATION AT REASONABLE COST.—The Secretary shall take such action as may be necessary to secure at reasonable cost the information required by this title. To ensure reasonable cost, the Secretary, in consultation with the National Center for Education Statistics, the Office of Vocational and Adult Education, and an entity assisted under section 118 shall determine the methodology to be used and the frequency with which information is to be collected.

“(2) COOPERATION OF STATES.—All eligible agencies receiving assistance under this Act shall cooperate with the Secretary in implementing the information systems developed pursuant to this Act.

“(c) RESEARCH, DEVELOPMENT, DISSEMINATION, EVALUATION AND ASSESSMENT.—

“(1) SINGLE PLAN.—

“(A) IN GENERAL.—The Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation and assessment, capacity building, and technical assistance with regard to the vocational and technical education programs under this Act. The Secretary shall develop a single plan for such activities.

“(B) PLAN.—Such plan shall—

“(i) identify the vocational and technical education activities described in subparagraph (A) the Secretary will carry out under this section;

“(ii) describe how the Secretary will evaluate such vocational and technical education activities in accordance with paragraph (3); and

“(iii) include such other information as the Secretary determines to be appropriate.

“(2) INDEPENDENT ADVISORY PANEL.—The Secretary shall appoint an independent advisory panel, consisting of vocational and technical education administrators, educators, researchers, and representatives of labor organizations, businesses, parents, guidance and counseling professionals, and other relevant groups, to advise the Secretary on the implementation of the assessment described in paragraph (3), including

the issues to be addressed, the methodology of the studies involved, and the findings and recommendations resulting from the assessment. The panel shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Secretary an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3). The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this subsection.

“(3) EVALUATION AND ASSESSMENT.—

“(A) IN GENERAL.—From amounts made available under paragraph (8), the Secretary shall provide for the conduct of an independent evaluation and assessment of vocational and technical education programs under this Act through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.

“(B) CONTENTS.—The assessment required under paragraph (1) shall include descriptions and evaluations of—

“(i) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local vocational and technical education programs and the effect of programs assisted under this Act on that development, implementation, or improvement, including the capacity of State, tribal, and local vocational and technical education systems to achieve the purpose of this Act;

“(ii) the extent to which expenditures at the Federal, State, tribal, and local levels address program improvement in vocational and technical education, including the impact of Federal allocation requirements (such as within-State allocation formulas) on the delivery of services;

“(iii) the preparation and qualifications of teachers of vocational and technical, and academic, curricula in vocational and technical education programs, as well as shortages of such teachers;

“(iv) participation of students in vocational and technical education programs;

“(v) academic and employment outcomes of vocational and technical education, including analyses of—

“(I) the number of vocational and technical education students and tech-prep students who meet State adjusted levels of performance;

“(II) the extent and success of integration of academic, and vocational and technical, education for students participating in vocational and technical education programs; and

“(III) the extent to which vocational and technical education programs prepare students for subsequent employment in high-wage, high-skill careers or participation in postsecondary education;

“(vi) employer involvement in, and satisfaction with, vocational and technical education programs;

“(vii) the use and impact of educational technology and distance learning with respect to vocational and technical education and tech-prep programs; and

“(viii) the effect of State adjusted levels of performance and State levels of performance on the delivery of vocational and technical education services.

“(C) REPORTS.—

“(i) IN GENERAL.—The Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

“(I) an interim report regarding the assessment on or before January 1, 2002; and

“(II) a final report, summarizing all studies and analyses that relate to the assessment and that are completed after the assessment, on or before July 1, 2002.

“(ii) PROHIBITION.—Notwithstanding any other provision of law, the reports required by

this subsection shall not be subject to any review outside the Department of Education before their transmittal to the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Secretary, but the President, the Secretary, and the independent advisory panel established under paragraph (2) may make such additional recommendations to Congress with respect to the assessment as the President, the Secretary, or the panel determine to be appropriate.

“(4) COLLECTION OF STATE INFORMATION AND REPORT.—

“(A) IN GENERAL.—The Secretary may collect and disseminate information from States regarding State efforts to meet State adjusted levels of performance described in section 113.

“(B) REPORT.—The Secretary shall gather any information collected pursuant to subparagraph (A) and submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

“(5) RESEARCH.—

“(A) IN GENERAL.—The Secretary, after consulting with the States, shall award grants, contracts, or cooperative agreements on a competitive basis to an institution of higher education, a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center or centers—

“(i) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the education, employment, and training needs of participants in vocational and technical education programs, including research and evaluation in such activities as—

“(I) the integration of vocational and technical instruction, and academic, secondary and postsecondary instruction;

“(II) education technology and distance learning approaches and strategies that are effective with respect to vocational and technical education;

“(III) State adjusted levels of performance and State levels of performance that serve to improve vocational and technical education programs and student achievement; and

“(IV) academic knowledge and vocational and technical skills required for employment or participation in postsecondary education;

“(ii) to carry out research to increase the effectiveness and improve the implementation of vocational and technical education programs, including conducting research and development, and studies, providing longitudinal information or formative evaluation with respect to vocational and technical education programs and student achievement;

“(iii) to carry out research that can be used to improve teacher training and learning in the vocational and technical education classroom, including—

“(I) effective inservice and preservice teacher education that assists vocational and technical education systems; and

“(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on vocational and technical skills, State academic standards, and related materials; and

“(iv) to carry out such other research as the Secretary determines appropriate to assist State and local recipients of funds under this Act.

“(B) REPORT.—The center or centers conducting the activities described in subparagraph (A) shall annually prepare a report of key research findings of such center or centers and shall submit copies of the report to the Secretary, the Committee on Education and the Workforce of the House of Representatives, the Committee on Labor and Human Resources of the Senate, the Library of Congress, and each eligible agency.

“(C) DISSEMINATION.—The center or centers shall conduct dissemination and training activities based upon the research described in subparagraph (A).

“(6) DEMONSTRATIONS AND DISSEMINATION.—

“(A) DEMONSTRATION PROGRAM.—The Secretary is authorized to carry out demonstration vocational and technical education programs, to replicate model vocational and technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing vocational and technical education programs assisted under this Act.

“(B) DEMONSTRATION PARTNERSHIP.—

“(i) IN GENERAL.—The Secretary shall carry out a demonstration partnership project involving a 4-year, accredited postsecondary institution, in cooperation with local public education organizations, volunteer groups, and private sector business participants to provide program support, and facilities for education, training, tutoring, counseling, employment preparation, specific skills training in emerging and established professions, and for retraining of military medical personnel, individuals displaced by corporate or military restructuring, migrant workers, as well as other individuals who otherwise do not have access to such services, through multisite, multistate distance learning technologies.

“(ii) PROGRAM.—Such program may be carried out directly or through grants, contracts, cooperative agreements, or through the national center or centers established under paragraph (5).

“(7) DEFINITION.—In this section, the term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

“SEC. 115. ASSISTANCE FOR THE OUTLYING AREAS.

“(a) OUTLYING AREAS.—From funds reserved pursuant to section 111(a)(1)(A), the Secretary shall—

“(1) make a grant in the amount of \$500,000 to Guam; and

“(2) make a grant in the amount of \$190,000 to each of American Samoa and the Commonwealth of the Northern Mariana Islands.

“(b) REMAINDER.—Subject to the provisions of subsection (a), the Secretary shall make a grant of the remainder of funds reserved pursuant to section 111(a)(1)(A) to the Pacific Region Educational Laboratory in Honolulu, Hawaii, to make grants for vocational and technical education and training in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, for the purpose of providing direct vocational and technical educational services, including—

“(1) teacher and counselor training and retraining;

“(2) curriculum development; and

“(3) the improvement of vocational and technical education and training programs in secondary schools and institutions of higher education, or improving cooperative education programs involving both secondary schools and institutions of higher education.

“(c) LIMITATION.—The Pacific Region Educational Laboratory may use not more than 5 percent of the funds received under subsection (b) for administrative costs.

“(d) RESTRICTION.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this title for any fiscal year that begins after September 30, 2001.

“SEC. 116. NATIVE AMERICAN PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ALASKA NATIVE.—The term ‘Alaska Native’ means a Native as such term is defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

“(2) BUREAU FUNDED SCHOOL.—The term ‘Bureau funded school’ has the meaning given the term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

“(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, and ‘tribal organization’ have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(4) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

“(5) NATIVE HAWAIIAN ORGANIZATION.—The term ‘Native Hawaiian organization’ has the meaning given the term in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

“(b) PROGRAM AUTHORIZED.—

“(1) AUTHORITY.—From funds reserved under section 111(a)(1)(B)(i), the Secretary shall make grants to and enter into contracts with Indian tribes, tribal organizations, and Alaska Native entities to carry out the authorized programs described in subsection (d), except that such grants or contracts shall not be awarded to secondary school programs in Bureau funded schools.

“(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The grants or contracts described in this section (other than in subsection (i)) that are awarded to any Indian tribe or tribal organization shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934, which are relevant to the programs administered under this subsection.

“(3) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out vocational and technical education programs.

“(4) MATCHING.—If sufficient funding is available, the Bureau of Indian Affairs shall expend an amount equal to the amount made available under this subsection, relating to programs for Indians, to pay a part of the costs of programs funded under this subsection. During each fiscal year the Bureau of Indian Affairs shall expend not less than the amount expended during the prior fiscal year on vocational and technical education programs, services, and technical activities administered either directly by, or under contract with, the Bureau of Indian Affairs, except that in no year shall funding for such programs, services, and activities be provided from accounts and programs that support other Indian education programs. The Secretary and the Assistant Secretary of the Interior for Indian Affairs shall prepare jointly a plan for the expenditure of funds made available and for the evaluation of programs assisted under this subsection. Upon the completion of a joint plan for the expenditure of the funds and the evaluation of the programs, the Secretary shall assume responsibility for the administration of the program, with the assistance and consultation of the Bureau of Indian Affairs.

“(5) REGULATIONS.—If the Secretary promulgates any regulations applicable to subsection (b)(2), the Secretary shall—

“(A) confer with, and allow for active participation by, representatives of Indian tribes, tribal organizations, and individual tribal members; and

“(B) promulgate the regulations under subchapter III of chapter 5 of title 5, United States Code, commonly known as the ‘Negotiated Rulemaking Act of 1990’.

“(6) APPLICATION.—Any Indian tribe, tribal organization, or Bureau funded school eligible to receive assistance under subsection (b) may apply individually or as part of a consortium with another such Indian tribe, tribal organization, or Bureau funded school.

“(c) AUTHORIZED ACTIVITIES.—

“(1) AUTHORIZED PROGRAMS.—Funds made available under this section shall be used to carry out vocational and technical education programs consistent with the purpose of this Act.

“(2) STIPENDS.—

“(A) IN GENERAL.—Funds received pursuant to grants or contracts awarded under subsection (b) may be used to provide stipends to students who are enrolled in vocational and technical education programs and who have acute economic needs which cannot be met through work-study programs.

“(B) AMOUNT.—Stipends described in subparagraph (A) shall not exceed reasonable amounts as prescribed by the Secretary.

“(d) GRANT OR CONTRACT APPLICATION.—In order to receive a grant or contract under this section an organization, tribe, or entity described in subsection (b) shall submit an application to the Secretary that shall include an assurance that such organization, tribe, or entity shall comply with the requirements of this section.

“(e) RESTRICTIONS AND SPECIAL CONSIDERATIONS.—The Secretary may not place upon grants awarded or contracts entered into under subsection (b) any restrictions relating to programs other than restrictions that apply to grants made to or contracts entered into with States pursuant to allotments under section 111(a). The Secretary, in awarding grants and entering into contracts under this paragraph, shall ensure that the grants and contracts will improve vocational and technical education programs, and shall give special consideration to—

“(1) programs that involve, coordinate with, or encourage tribal economic development plans; and

“(2) applications from tribally controlled colleges or universities that—

“(A) are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational and technical education; or

“(B) operate vocational and technical education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational and technical education programs.

“(f) CONSOLIDATION OF FUNDS.—Each organization, tribe, or entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.).

“(g) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

“(1) to limit the eligibility of any organization, tribe, or entity described in subsection (b) to participate in any activity offered by an eligible agency or eligible recipient under this title; or

“(2) to preclude or discourage any agreement, between any organization, tribe, or entity described in subsection (b) and any eligible agency or eligible recipient, to facilitate the provision of services by such eligible agency or eligible recip-

ient to the population served by such eligible agency or eligible recipient.

“(h) NATIVE HAWAIIAN PROGRAMS.—From the funds reserved pursuant to section 111(a)(1)(B)(ii), the Secretary shall award grants to or enter into contracts with organizations primarily serving and representing Native Hawaiians which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section for the benefit of Native Hawaiians.

“SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS.

“(a) GRANTS AUTHORIZED.—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary vocational and technical institutions to provide basic support for the education and training of Indian students.

“(b) USE OF GRANTS.—Amounts made available pursuant to this section shall be used for vocational and technical education programs.

“(c) AMOUNT OF GRANTS.—

“(1) IN GENERAL.—If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant who received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

“(2) PER CAPITA DETERMINATION.—For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary vocational and technical institutions under this section for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

“(d) APPLICATIONS.—Any tribally controlled postsecondary vocational and technical institution that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

“(e) EXPENSES.—

“(1) IN GENERAL.—The Secretary shall, subject to the availability of appropriations, provide for each program year to each tribally controlled postsecondary vocational and technical institution having an application approved by the Secretary, an amount necessary to pay expenses associated with—

“(A) the maintenance and operation of the program, including development costs, costs of basic and special instruction (including special programs for individuals with disabilities and academic instruction), materials, student costs, administrative expenses, boarding costs, transportation, student services, daycare and family support programs for students and their families (including contributions to the costs of education for dependents), and student stipends;

“(B) capital expenditures, including operations and maintenance, and minor improvements and repair, and physical plant maintenance costs, for the conduct of programs funded under this section; and

“(C) costs associated with repair, upkeep, replacement, and upgrading of the instructional equipment.

“(2) ACCOUNTING.—Each institution receiving a grant under this section shall provide annually to the Secretary an accurate and detailed accounting of the institution's operating and maintenance expenses and such other information concerning costs as the Secretary may reasonably require.

“(f) OTHER PROGRAMS.—

“(1) IN GENERAL.—Except as specifically provided in this Act, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary vocational and technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965, or any other applicable program for the benefit of institutions of higher education or vocational and technical education.

“(2) PROHIBITION ON ALTERATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary vocational and technical institutions are eligible under this section shall not be altered because of funds allocated to any such institution from funds appropriated under the Act of November 2, 1921 (commonly known as the ‘Snyder Act’) (42 Stat. 208, chapter 115; 25 U.S.C. 13).

“(3) PROHIBITION ON CONTRACT DENIAL.—No tribally controlled postsecondary vocational and technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

“(g) NEEDS ESTIMATE AND REPORT ON FACILITIES AND FACILITIES IMPROVEMENT.—

“(1) NEEDS ESTIMATE.—The Secretary shall, based on the most accurate data available from the institutions and Indian tribes whose Indian students are served under this section, and in consideration of employment needs, economic development needs, population training needs, and facilities needs, prepare an actual budget needs estimate for each institution eligible under this section for each subsequent program year, and submit such budget needs estimate to Congress in such a timely manner as will enable the appropriate committees of Congress to consider such needs data for purposes of the uninterrupted flow of adequate appropriations to such institutions. Such data shall take into account the purposes and requirements of part A of title IV of the Social Security Act.

“(2) STUDY OF TRAINING AND HOUSING NEEDS.—

“(A) IN GENERAL.—The Secretary shall conduct a detailed study of the training, housing, and immediate facilities needs of each institution eligible under this section. The study shall include an examination of—

“(i) training equipment needs;

“(ii) housing needs of families whose heads of households are students and whose dependents have no alternate source of support while such heads of households are students; and

“(iii) immediate facilities needs.

“(B) REPORT.—The Secretary shall report to Congress not later than July 1, 2000, on the results of the study required by subparagraph (A).

“(C) CONTENTS.—The report required by subparagraph (B) shall include the number, type, and cost of meeting the needs described in subparagraph (A), and rank each institution by relative need.

“(D) PRIORITY.—In conducting the study required by subparagraph (A), the Secretary shall give priority to institutions that are receiving assistance under this section.

“(3) LONG-TERM STUDY OF FACILITIES.—

“(A) IN GENERAL.—The Secretary shall provide for the conduct of a long-term study of the facilities of each institution eligible for assistance under this section.

“(B) CONTENTS.—The study required by subparagraph (A) shall include a 5-year projection

of training facilities, equipment, and housing needs and shall consider such factors as projected service population, employment, and economic development forecasting, based on the most current and accurate data available from the institutions and Indian tribes affected.

“(C) **SUBMISSION.**—The Secretary shall submit to Congress a detailed report on the results of such study not later than the end of the 18-month period beginning on the date of enactment of this Act.

“(h) **DEFINITIONS.**—In this section:

“(1) **INDIAN.**—The terms ‘Indian’ and ‘Indian tribe’ have the meanings given the terms in section 2 of the Tribally Controlled College or University Assistance Act of 1978.

“(2) **INDIAN STUDENT COUNT.**—The term ‘Indian student count’ means a number equal to the total number of Indian students enrolled in each tribally controlled postsecondary vocational and technical institution, determined as follows:

“(A) **REGISTRATIONS.**—The registrations of Indian students as in effect on October 1 of each year.

“(B) **SUMMER TERM.**—Credits or clock hours toward a certificate earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

“(C) **ADMISSION CRITERIA.**—Credits or clock hours toward a certificate earned in classes during a summer term shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student’s ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student’s aptitude to successfully complete the course in which the student has enrolled. No credit earned by such student for purposes of obtaining a secondary school degree or its recognized equivalent shall be counted toward the computation of the Indian student count.

“(D) **DETERMINATION OF HOURS.**—Indian students earning credits in any continuing education program of a tribally controlled postsecondary vocational and technical institution shall be included in determining the sum of all credit or clock hours.

“(E) **CONTINUING EDUCATION.**—Credits or clock hours earned in a continuing education program shall be converted to the basis that is in accordance with the institution’s system for providing credit for participation in such programs.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$4,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

“SEC. 118. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

“(a) **NATIONAL ACTIVITIES.**—From funds appropriated under subsection (f), the Secretary, in consultation with appropriate Federal agencies, is authorized—

“(1) to provide assistance to an entity to enable the entity—

“(A) to provide technical assistance to State entities designated under subsection (b) to enable the State entities to carry out the activities described in subsection (b);

“(B) to disseminate information that promotes the replication of high quality practices described in subsection (b);

“(C) to develop and disseminate products and services related to the activities described in subsection (b); and

“(2) to award grants to States that designate State entities in accordance with subsection (b) to enable the State entities to carry out the State level activities described in subsection (b).

“(b) **STATE LEVEL ACTIVITIES.**—In order for a State to receive a grant under this section, the

eligible agency and the Governor of the State shall jointly designate an entity in the State—

“(1) to provide support for a career guidance and academic counseling program designed to promote improved career and education decisionmaking by individuals (especially in areas of career information delivery and use);

“(2) to make available to students, parents, teachers, administrators, and counselors, and to improve accessibility with respect to, information and planning resources that relate educational preparation to career goals and expectations;

“(3) to equip teachers, administrators, and counselors with the knowledge and skills needed to assist students and parents with career exploration, educational opportunities, and education financing.

“(4) to assist appropriate State entities in tailoring career-related educational resources and training for use by such entities;

“(5) to improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data; and

“(6) to provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements.

“(c) **NONDUPLICATION.**—

“(1) **WAGNER-PEYSER ACT.**—The State entity designated under subsection (b) may use funds provided under subsection (b) to supplement activities under section 15 of the Wagner-Peyser Act to the extent such activities do not duplicate activities assisted under this section.

“(2) **PUBLIC LAW 105-220.**—None of the functions and activities assisted under this section shall duplicate the functions and activities carried out under Public Law 105-220.

“(d) **FUNDING RULE.**—Of the amounts appropriated to carry out this section, the Federal entity designated under subsection (a) shall use—

“(1) not less than 85 percent to carry out subsection (b); and

“(2) not more than 15 percent to carry out subsection (a).

“(e) **REPORT.**—The Secretary, in consultation with appropriate Federal agencies, shall prepare and submit to the appropriate committees of Congress, an annual report that includes—

“(1) an identification of activities assisted under this section during the prior program year;

“(2) a description of the specific products and services assisted under this section that were delivered in the prior program year; and

“(3) an assessment of the extent to which States have effectively coordinated activities assisted under this section with activities authorized under section 15 of the Wagner-Peyser Act.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 1999 through 2003.

“PART B—STATE PROVISIONS

“SEC. 121. STATE ADMINISTRATION.

“(a) **ELIGIBLE AGENCY RESPONSIBILITIES.**—

“(1) **IN GENERAL.**—The responsibilities of an eligible agency under this title shall include—

“(A) coordination of the development, submission, and implementation of the State plan, and the evaluation of the program, services, and activities assisted under this title, including preparation for nontraditional training and employment;

“(B) consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of businesses, labor organizations, eligible recipients, State and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under this title;

“(C) convening and meeting as an eligible agency (consistent with State law and procedure for the conduct of such meetings) at such time as the eligible agency determines necessary to carry out the eligible agency’s responsibilities under this title, but not less than 4 times annually; and

“(D) the adoption of such procedures as the eligible agency considers necessary to—

“(i) implement State level coordination with the activities undertaken by the State boards under section 111 of Public Law 105-220; and

“(ii) make available to the service delivery system under section 121 of Public Law 105-220 within the State a listing of all school dropout, postsecondary, and adult programs assisted under this title.

“(2) **EXCEPTION.**—Except with respect to the responsibilities set forth in paragraph (1), the eligible agency may delegate any of the other responsibilities of the eligible agency that involve the administration, operation, supervision of activities assisted under this title, in whole or in part, to 1 or more appropriate State agencies.

“SEC. 122. STATE PLAN.

“(a) **STATE PLAN.**—

“(1) **IN GENERAL.**—Each eligible agency desiring assistance under this title for any fiscal year shall prepare and submit to the Secretary a State plan for a 5-year period, together with such annual revisions as the eligible agency determines to be necessary.

“(2) **REVISIONS.**—Each eligible agency—

“(A) may submit such annual revisions of the State plan to the Secretary as the eligible agency determines to be necessary; and

“(B) shall, after the second year of the 5 year State plan, conduct a review of activities assisted under this title and submit any revisions of the State plan that the eligible agency determines necessary to the Secretary.

“(3) **HEARING PROCESS.**—The eligible agency shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups (including employers, labor organizations, and parents), an opportunity to present their views and make recommendations regarding the State plan. A summary of such recommendations and the eligible agency’s response to such recommendations shall be included in the State plan.

“(b) **PLAN DEVELOPMENT.**—

“(1) **IN GENERAL.**—The eligible agency shall develop the State plan in consultation with teachers, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.

“(2) **ACTIVITIES AND PROCEDURES.**—The eligible agency shall develop effective activities and procedures, including access to information needed to use such procedures, to allow the individuals described in paragraph (1) to participate in State and local decisions that relate to development of the State plan.

“(c) **PLAN CONTENTS.**—The State plan shall include information that—

“(1) describes the vocational and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

“(A) the secondary and postsecondary vocational and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality, state-of-the-art technology in vocational and technical education programs;

“(B) the criteria that will be used by the eligible agency in approving applications by eligible recipients for funds under this title;

“(C) how such programs will prepare vocational and technical education students for opportunities in postsecondary education or entry

into high skill, high wage jobs in current and emerging occupations; and

“(D) how funds will be used to improve or develop new vocational and technical education courses;

“(2) describes how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided;

“(3) describes how the eligible agency will actively involve parents, teachers, local businesses (including small- and medium-sized businesses), and labor organizations in the planning, development, implementation, and evaluation of such vocational and technical education programs;

“(4) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

“(A) among secondary school vocational and technical education, or postsecondary and adult vocational and technical education, or both, including the rationale for such allocation; and

“(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

“(5) describes how the eligible agency will—

“(A) improve the academic and technical skills of students participating in vocational and technical education programs, including strengthening the academic, and vocational and technical, components of vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects, and provide students with strong experience in, and understanding of, all aspects of an industry; and

“(B) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students;

“(6) describes how the eligible agency will annually evaluate the effectiveness of such vocational and technical education programs, and describe, to the extent practicable, how the eligible agency is coordinating such programs to ensure nonduplication with other existing Federal programs;

“(7) describes the eligible agency's program strategies for special populations;

“(8) describes how individuals who are members of the special populations—

“(A) will be provided with equal access to activities assisted under this title;

“(B) will not be discriminated against on the basis of their status as members of the special populations; and

“(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage careers;

“(9) describe what steps the eligible agency shall take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

“(10) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

“(11) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

“(12) describes how the eligible agency will report data relating to students participating in

vocational and technical education in order to adequately measure the progress of the students, including special populations;

“(13) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

“(14) describes how the eligible agency will provide local educational agencies, area vocational and technical education schools, and eligible institutions in the State with technical assistance;

“(15) describes how vocational and technical education relates to State and regional occupational opportunities;

“(16) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

“(17) describes how funds will be used to promote preparation for nontraditional training and employment;

“(18) describes how funds will be used to serve individuals in State correctional institutions;

“(19) describes how funds will be used effectively to link secondary and postsecondary education;

“(20) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

“(21) contains the description and information specified in sections 112(b)(8) and 121(c) of Public Law 105-220 concerning the provision of services only for postsecondary students and school dropouts.

“(d) PLAN OPTION.—The eligible agency may fulfill the requirements of subsection (a) by submitting a plan under section 501 of Public Law 105-220.

“(e) PLAN APPROVAL.—

“(1) IN GENERAL.—The Secretary shall approve a State plan, or a revision to an approved State plan, unless the Secretary determines that—

“(A) the State plan, or revision, respectively, does not meet the requirements of this section; or

“(B) the State's levels of performance on the core indicators of performance consistent with section 113 are not sufficiently rigorous to meet the purpose of this Act.

“(2) DISAPPROVAL.—The Secretary shall not finally disapprove a State plan, except after giving the eligible agency notice and an opportunity for a hearing.

“(3) CONSULTATION.—The eligible agency shall develop the portion of each State plan relating to the amount and uses of any funds proposed to be reserved for adult vocational and technical education, postsecondary vocational and technical education, tech-prep education, and secondary vocational and technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary vocational and technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State plan is objectionable, the State agency shall file such objections with the eligible agency. The eligible agency shall respond to any objections of the State agency in the State plan submitted to the Secretary.

“(4) TIMEFRAME.—A State plan shall be deemed approved by the Secretary if the Secretary has not responded to the eligible agency regarding the State plan within 90 days of the date the Secretary receives the State plan.

“(f) TRANSITION.—This section shall be subject to section 4 for fiscal year 1999 only, with respect to activities under this section.

“SEC. 123. IMPROVEMENT PLANS.

“(a) STATE PROGRAM IMPROVEMENT PLAN.—If a State fails to meet the State adjusted levels of

performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under subsection (d).

“(b) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the State adjusted levels of performance, the vocational and technical education activities of each eligible recipient receiving funds under this title.

“(c) LOCAL IMPROVEMENT PLAN.—

“(1) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the State adjusted levels of performance, the eligible agency shall—

“(A) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies;

“(B) enter into an improvement plan based on the results of the assessment, which plan shall include instructional and other programmatic innovations of demonstrated effectiveness, and where necessary, strategies for appropriate staffing and staff development; and

“(C) conduct regular evaluations of the progress being made toward reaching the State adjusted levels of performance.

“(2) CONSULTATION.—The eligible agency shall conduct the activities described in paragraph (1) in consultation with teachers, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

“(d) SANCTIONS.—

“(1) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

“(2) FAILURE.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title. The Secretary may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

“(3) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

“(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (2), for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purpose of this Act.

“(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (2), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (2) shall be redistributed to other eligible agencies in accordance with section 111.

“SEC. 124. STATE LEADERSHIP ACTIVITIES.

“(a) GENERAL AUTHORITY.—From amounts reserved under section 112(a)(2), each eligible agency shall conduct State leadership activities.

“(b) REQUIRED USES OF FUNDS.—The State leadership activities described in subsection (a) shall include—

"(1) an assessment of the vocational and technical education programs carried out with funds under this title that includes an assessment of how the needs of special populations are being met and how such programs are designed to enable special populations to meet State adjusted levels of performance and prepare the special populations for further learning or for high skill, high wage careers;

"(2) developing, improving, or expanding the use of technology in vocational and technical education that may include—

"(A) training of vocational and technical education personnel to use state-of-the-art technology, that may include distance learning;

"(B) providing vocational and technical education students with the academic, and vocational and technical, skills that lead to entry into the high technology and telecommunications field; or

"(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

"(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel, that—

"(A) will provide inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, effective teaching skills based on research, and effective practices to improve parental and community involvement; and

"(B) will help teachers and personnel to assist students in meeting the State adjusted levels of performance established under section 113;

"(C) will support education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students to ensure that such teachers stay current with the needs, expectations, and methods of industry; and

"(D) is integrated with the professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6001 et seq.) and title II of the Higher Education Act of 1965;

"(4) support for vocational and technical education programs that improve the academic, and vocational and technical, skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such vocational and technical education programs through the integration of academics with vocational and technical education to ensure learning in the core academic, and vocational and technical, subjects;

"(5) providing preparation for nontraditional training and employment;

"(6) supporting partnerships among local educational agencies, institutions of higher education, adult education providers, and, as appropriate, other entities, such as employers, labor organizations, parents, and local partnerships, to enable students to achieve State academic standards, and vocational and technical skills;

"(7) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

"(8) support for programs for special populations that lead to high skill, high wage careers.

"(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

"(1) technical assistance for eligible recipients;

"(2) improvement of career guidance and academic counseling programs that assist students in making informed academic, and vocational and technical education, decisions;

"(3) establishment of agreements between secondary and postsecondary vocational and technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational and technical education programs, such as tech-prep programs;

"(4) support for cooperative education;

"(5) support for vocational and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

"(6) support for public charter schools operating secondary vocational and technical education programs;

"(7) support for vocational and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

"(8) support for family and consumer sciences programs;

"(9) support for education and business partnerships;

"(10) support to improve or develop new vocational and technical education courses;

"(11) providing vocational and technical education programs for adults and school dropouts to complete their secondary school education; and

"(12) providing assistance to students, who have participated in services and activities under this title, in finding an appropriate job and continuing their education.

"(d) RESTRICTION ON USES OF FUNDS.—An eligible agency that receives funds under section 112(a)(2) may not use any of such funds for administrative costs.

"PART C—LOCAL PROVISIONS

"SEC. 131. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

"(a) DISTRIBUTION FOR FISCAL YEAR 1999.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of the funds made available under section 112(a)(1) to carry out this section for fiscal year 1999 to local educational agencies within the State as follows:

"(1) SEVENTY PERCENT.—From 70 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the preceding fiscal year bears to the total amount received under such section by all local educational agencies in the State for such preceding fiscal year.

"(2) TWENTY PERCENT.—From 20 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with disabilities who have individualized education programs under section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)) served by such local educational agency for the preceding fiscal year bears to the total number of such students served by all local educational agencies in the State for such preceding fiscal year.

"(3) TEN PERCENT.—From 10 percent of such portion, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency for the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State for such preceding fiscal year.

"(b) SPECIAL DISTRIBUTION RULES FOR SUCCEEDING FISCAL YEARS.—Except as provided in section 133 and as otherwise provided in this section, each eligible agency shall distribute the portion of funds made available under section 112(a)(1) to carry out this section for fiscal year 2000 and succeeding fiscal years to local educational agencies within the State as follows:

"(1) 30 PERCENT.—30 percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such local educational agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding fiscal year.

"(2) 70 PERCENT.—70 percent shall be allocated to such local educational agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such local educational agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals who reside in the school districts served by all the local educational agencies in the State for such preceding fiscal year.

"(c) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (b) in the case of any eligible agency that submits to the Secretary an application for such a waiver that—

"(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) to local educational agencies within the State than the formula described in subsection (b); and

"(2) includes a proposal for such an alternative formula.

"(d) MINIMUM ALLOCATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a local educational agency shall not receive an allocation under subsection (a) unless the amount allocated to such agency under subsection (a) is greater than \$15,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

"(2) WAIVER.—The eligible agency shall waive the application of paragraph (1) in any case in which the local educational agency—

"(A)(i) is located in a rural, sparsely populated area, or

"(ii) is a public charter school operating secondary vocational and technical education programs; and

"(B) demonstrates that the local educational agency is unable to enter into a consortium for purposes of providing activities under this part.

"(3) REDISTRIBUTION.—Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

"(e) LIMITED JURISDICTION AGENCIES.—

"(1) IN GENERAL.—In applying the provisions of subsection (a), no eligible agency receiving assistance under this title shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

"(2) SPECIAL RULE.—The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that entered such secondary schools in the previous year from the elementary schools involved.

"(f) ALLOCATIONS TO AREA VOCATIONAL AND TECHNICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGENCIES.—

“(1) IN GENERAL.—Each eligible agency shall distribute the portion of funds made available under section 112(a)(1) for any fiscal year by such eligible agency for secondary school vocational and technical education activities under this section to the appropriate area vocational and technical education school or educational service agency in any case in which the area vocational and technical education school or educational service agency, and the local educational agency concerned—

“(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

“(B) have entered into or will enter into a cooperative arrangement for such purpose.

“(2) ALLOCATION BASIS.—If an area vocational and technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area vocational and technical education school, the educational service agency, and the local educational agency based on each school, agency or entity's relative share of students who are attending vocational and technical education programs (based, if practicable, on the average enrollment for the preceding 3 years;

“(3) APPEALS PROCEDURE.—The eligible agency shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area vocational and technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

“(g) CONSORTIUM REQUIREMENTS.—

“(1) ALLIANCE.—Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 135 is encouraged to—

“(A) form a consortium or enter into a cooperative agreement with an area vocational and technical education school or educational service agency offering programs that meet the requirements of section 135; and

“(B) transfer such allocation to the area vocational and technical education school or educational service agency; and

“(C) operate programs that are of sufficient size, scope, and quality to be effective.

“(2) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this paragraph shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

“(h) DATA.—The Secretary shall collect information from eligible agencies regarding the specific dollar allocations made available by the eligible agency for vocational and technical education programs under subsections (a), (b), (c), and (d) and how these allocations are distributed to local educational agencies, area vocational and technical education schools, and educational service agencies, within the State in accordance with this section.

“(i) SPECIAL RULE.—Each eligible agency distributing funds under this section shall treat a secondary school funded by the Bureau of Indian Affairs within the State as if such school were a local educational agency within the State for the purpose of receiving a distribution under this section.

“SEC. 132. DISTRIBUTION OF FUNDS FOR POST-SECONDARY VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

“(a) ALLOCATION.—

“(1) IN GENERAL.—Except as provided in subsections (b) and (c) and section 133, each eligible agency shall distribute the portion of the funds

made available under section 112(a)(1) to carry out this section for any fiscal year to eligible institutions or consortia of eligible institutions within the State.

“(2) FORMULA.—Each eligible institution or consortium of eligible institutions shall be allocated an amount that bears the same relationship to the portion of funds made available under section 112(a)(1) to carry out this section for any fiscal year as the sum of the number of individuals who are Federal Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in programs meeting the requirements of section 135 offered by such institution or consortium in the preceding fiscal year bears to the sum of the number of such recipients enrolled in such programs within the State for such year.

“(3) CONSORTIUM REQUIREMENTS.—

“(A) IN GENERAL.—In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

“(i) provide services to all postsecondary institutions participating in the consortium; and

“(ii) are of sufficient size, scope, and quality to be effective.

“(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this section shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and shall be used only for programs authorized under this title. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

“(4) WAIVER.—The eligible agency may waive the application of paragraph (3)(A)(i) in any case in which the eligible institution is located in a rural, sparsely populated area.

“(b) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (a) if an eligible agency submits to the Secretary an application for such a waiver that—

“(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the eligible institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula will result in such a distribution; and

“(2) includes a proposal for such an alternative formula.

“(c) MINIMUM GRANT AMOUNT.—

“(1) IN GENERAL.—No institution or consortium shall receive an allocation under this section in an amount that is less than \$50,000.

“(2) REDISTRIBUTION.—Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia in accordance with this section.

“SEC. 133. SPECIAL RULES FOR VOCATIONAL AND TECHNICAL EDUCATION.

“(a) SPECIAL RULE FOR MINIMAL ALLOCATION.—

“(1) GENERAL AUTHORITY.—Notwithstanding the provisions of sections 131 and 132 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by an eligible agency for distribution under section 131 or 132, such State may distribute such minimal amount for such year—

“(A) on a competitive basis; or

“(B) through any alternative method determined by the State.

“(2) MINIMAL AMOUNT.—For purposes of this section, the term ‘minimal amount’ means not more than 15 percent of the total amount made available for distribution under section 112(a)(1).

“(b) REDISTRIBUTION.—

“(1) IN GENERAL.—In any academic year that an eligible recipient does not expend all of the

amounts the eligible recipient is allocated for such year under section 131 or 132, such eligible recipient shall return any unexpended amounts to the eligible agency to be reallocated under section 131 or 132, as appropriate.

“(2) REDISTRIBUTION OF AMOUNTS RETURNED LATE IN AN ACADEMIC YEAR.—In any academic year in which amounts are returned to the eligible agency under section 131 or 132 and the eligible agency is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the eligible agency shall retain such amounts for distribution in combination with amounts provided under section 112(a)(1) for the following academic year.

“(c) CONSTRUCTION.—Nothing in section 131 or 132 shall be construed—

“(1) to prohibit a local educational agency or a consortium thereof that receives assistance under section 131, from working with an eligible institution or consortium thereof that receives assistance under section 132, to carry out secondary school vocational and technical education programs in accordance with this title;

“(2) to prohibit an eligible institution or consortium thereof that receives assistance under section 132, from working with a local educational agency or consortium thereof that receives assistance under section 131, to carry out postsecondary and adult vocational and technical education programs in accordance with this title; or

“(3) to require a charter school, that provides vocational and technical education programs and is considered a local educational agency under State law, to jointly establish the charter school's eligibility for assistance under this title unless the charter school is explicitly permitted to do so under the State's charter school statute.

“(d) CONSISTENT APPLICATION.—For purposes of this section, the eligible agency shall provide funds to charter schools offering vocational and technical education programs in the same manner as the eligible agency provides those funds to other schools. Such vocational and technical education programs within a charter school shall be of sufficient size, scope, and quality to be effective.

“SEC. 134. LOCAL PLAN FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS.

“(a) LOCAL PLAN REQUIRED.—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the eligible agency (in consultation with such other educational entities as the eligible agency determines to be appropriate) submit a local plan to the eligible agency. Such local plan shall cover the same period of time as the period of time applicable to the State plan submitted under section 122.

“(b) CONTENTS.—The eligible agency shall determine requirements for local plans, except that each local plan shall—

“(1) describe how the vocational and technical education programs required under section 135(b) will be carried out with funds received under this title;

“(2) describe how the vocational and technical education activities will be carried out with respect to meeting State adjusted levels of performance established under section 113;

“(3) describe how the eligible recipient will—

“(A) improve the academic and technical skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical, subjects;

“(B) provide students with strong experience in and understanding of all aspects of an industry; and

“(C) ensure that students who participate in such vocational and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

“(4) describe how parents, students, teachers, representatives of business and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of vocational and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in understanding, the requirements of this title;

“(5) provide assurances that the eligible recipient will provide a vocational and technical education program that is of such size, scope, and quality to bring about improvement in the quality of vocational and technical education programs;

“(6) describe the process that will be used to independently evaluate and continuously improve the performance of the eligible recipient;

“(7) describe how the eligible recipient—

“(A) will review vocational and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

“(B) will provide programs that are designed to enable the special populations to meet the State adjusted levels of performance;

“(8) describe how individuals who are members of the special populations will not be discriminated against on the basis of their status as members of the special populations;

“(9) describe how funds will be used to promote preparation for nontraditional training and employment; and

“(10) describe how comprehensive professional development (including initial teacher preparation) for vocational and technical, academic, guidance, and administrative personnel will be provided.

“SEC. 135. LOCAL USES OF FUNDS.

“(a) GENERAL AUTHORITY.—Each eligible recipient that receives funds under this part shall use such funds to improve vocational and technical education programs.

“(b) REQUIREMENTS FOR USES OF FUNDS.—Funds made available to eligible recipients under this part shall be used to support vocational and technical education programs that—

“(1) strengthen the academic, and vocational and technical, skills of students participating in vocational and technical education programs by strengthening the academic, and vocational and technical, components of such programs through the integration of academics with vocational and technical education programs through a coherent sequence of courses to ensure learning in the core academic, and vocational and technical, subjects;

“(2) provide students with strong experience in and understanding of all aspects of an industry;

“(3) develop, improve, or expand the use of technology in vocational and technical education, which may include—

“(A) training of vocational and technical education personnel to use state-of-the-art technology, which may include distance learning;

“(B) providing vocational and technical education students with the academic, and vocational and technical, skills that lead to entry into the high technology and telecommunications field; or

“(C) encouraging schools to work with high technology industries to offer voluntary internships and mentoring programs;

“(4) provide professional development programs to teachers, counselors, and administrators, including—

“(A) inservice and preservice training in state-of-the-art vocational and technical education programs and techniques, in effective

teaching skills based on research, and in effective practices to improve parental and community involvement;

“(B) support of education programs for teachers of vocational and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational and technical education students, to ensure that such teachers and personnel stay current with all aspects of an industry;

“(C) internship programs that provide business experience to teachers; and

“(D) programs designed to train teachers specifically in the use and application of technology;

“(5) develop and implement evaluations of the vocational and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

“(6) initiate, improve, expand, and modernize quality vocational and technical education programs;

“(7) provide services and activities that are of sufficient size, scope, and quality to be effective; and

“(8) link secondary vocational and technical education and postsecondary vocational and technical education, including implementing tech-prep programs.

“(c) PERMISSIVE.—Funds made available to an eligible recipient under this title may be used—

“(1) to involve parents, businesses, and labor organizations as appropriate, in the design, implementation, and evaluation of vocational and technical education programs authorized under this title, including establishing effective programs and procedures to enable informed and effective participation in such programs;

“(2) to provide career guidance and academic counseling for students participating in vocational and technical education programs;

“(3) to provide work-related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to vocational and technical education programs;

“(4) to provide programs for special populations;

“(5) for local education and business partnerships;

“(6) to assist vocational and technical student organizations;

“(7) for mentoring and support services;

“(8) for leasing, purchasing, upgrading or adapting equipment, including instructional aides;

“(9) for teacher preparation programs that assist individuals who are interested in becoming vocational and technical education instructors, including individuals with experience in business and industry;

“(10) for improving or developing new vocational and technical education courses;

“(11) to provide support for family and consumer sciences programs;

“(12) to provide vocational and technical education programs for adults and school dropouts to complete their secondary school education;

“(13) to provide assistance to students who have participated in services and activities under this title in finding an appropriate job and continuing their education;

“(14) to support nontraditional training and employment activities; and

“(15) to support other vocational and technical education activities that are consistent with the purpose of this Act.

“(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 5 percent of the funds for administrative costs associated with the administration of activities assisted under this section.

“TITLE II—TECH-PREP EDUCATION

“SEC. 201. SHORT TITLE.

“This title may be cited as the ‘Tech-Prep Education Act’.

“SEC. 202. DEFINITIONS.

“(a) In this title:

“(1) ARTICULATION AGREEMENT.—The term ‘articulation agreement’ means a written commitment to a program designed to provide students with a non duplicative sequence of progressive achievement leading to degrees or certificates in a tech-prep education program.

“(2) COMMUNITY COLLEGE.—The term ‘community college’—

“(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a bachelor’s degree; and

“(B) includes tribally controlled colleges or universities.

“(3) TECH-PREP PROGRAM.—The term ‘tech-prep program’ means a program of study that—

“(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

“(B) integrates academic, and vocational and technical, instruction, and utilizes work-based and worksite learning where appropriate and available;

“(C) provides technical preparation in a career field such as engineering technology, applied science, a mechanical, industrial, or practical art or trade, agriculture, health occupations, business, or applied economics;

“(D) builds student competence in mathematics, science, reading, writing, communications, economics, and workplace skills through applied, contextual academics, and integrated instruction, in a coherent sequence of courses;

“(E) leads to an associate or a baccalaureate degree or a postsecondary certificate in a specific career field; and

“(F) leads to placement in appropriate employment or to further education.

“SEC. 203. STATE ALLOTMENT AND APPLICATION.

“(a) IN GENERAL.—For any fiscal year, the Secretary shall allot the amount made available under section 206 among the States in the same manner as funds are allotted to States under paragraph (2) of section 111(a).

“(b) PAYMENTS TO ELIGIBLE AGENCIES.—The Secretary shall make a payment in the amount of a State’s allotment under subsection (a) to the eligible agency that serves the State and has an application approved under subsection (c).

“(c) STATE APPLICATION.—Each eligible agency desiring assistance under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

“SEC. 204. TECH-PREP EDUCATION.

“(a) GRANT PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—From amounts made available to each eligible agency under section 203, the eligible agency, in accordance with the provisions of this title, shall award grants, on a competitive basis or on the basis of a formula determined by the eligible agency, for tech-prep education programs described in subsection (c). The grants shall be awarded to consortia between or among—

“(A) a local educational agency, an intermediate educational agency or area vocational and technical education school serving secondary school students, or a secondary school funded by the Bureau of Indian Affairs; and

“(B)(i) a nonprofit institution of higher education that offers—

“(I) a 2-year associate degree program, or a 2-year certificate program, and is qualified as institutions of higher education pursuant to section 102 of the Higher Education Act of 1965, including an institution receiving assistance under the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801 et seq.) and a tribally controlled postsecondary vocational and technical institution; or

“(II) a 2-year apprenticeship program that follows secondary instruction,

if such nonprofit institution of higher education is not prohibited from receiving assistance under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) pursuant to the provisions of section 435(a)(3) of such Act (20 U.S.C. 1083(a)); or

“(ii) a proprietary institution of higher education that offers a 2-year associate degree program and is qualified as an institution of higher education pursuant to section 102 of the Higher Education Act of 1965, if such proprietary institution of higher education is not subject to a default management plan required by the Secretary.

“(2) SPECIAL RULE.—In addition, a consortium described in paragraph (1) may include 1 or more—

“(A) institutions of higher education that award a baccalaureate degree; and

“(B) employer or labor organizations.

“(b) DURATION.—Each grant recipient shall use amounts provided under the grant to develop and operate a 4- or 6-year tech-prep education program described in subsection (c).

“(c) CONTENTS OF TECH-PREP PROGRAM.—Each tech-prep program shall—

“(1) be carried out under an articulation agreement between the participants in the consortium;

“(2) consist of at least 2 years of secondary school preceding graduation and 2 years or more of higher education, or an apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathematics, science, reading, writing, communications, and technologies designed to lead to an associate's degree or a postsecondary certificate in a specific career field;

“(3) include the development of tech-prep programs for both secondary and postsecondary, including consortium, participants in the consortium that—

“(A) meets academic standards developed by the State;

“(B) links secondary schools and 2-year postsecondary institutions, and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields, including the investigation of opportunities for tech-prep secondary students to enroll concurrently in secondary and postsecondary coursework;

“(C) uses, if appropriate and available, work-based or worksite learning in conjunction with business and all aspects of an industry; and

“(D) uses educational technology and distance learning, as appropriate, to involve all the consortium partners more fully in the development and operation of programs;

“(4) include in-service training for teachers that—

“(A) is designed to train vocational and technical teachers to effectively implement tech-prep programs;

“(B) provides for joint training for teachers in the tech-prep consortium;

“(C) is designed to ensure that teachers and administrators stay current with the needs, expectations, and methods of business and all aspects of an industry;

“(D) focuses on training postsecondary education faculty in the use of contextual and applied curricula and instruction; and

“(E) provides training in the use and application of technology;

“(5) include training programs for counselors designed to enable counselors to more effectively—

“(A) provide information to students regarding tech-prep education programs;

“(B) support student progress in completing tech-prep programs;

“(C) provide information on related employment opportunities;

“(D) ensure that such students are placed in appropriate employment; and

“(E) stay current with the needs, expectations, and methods of business and all aspects of an industry;

“(6) provide equal access, to the full range of technical preparation programs, to individuals who are members of special populations, including the development of tech-prep program services appropriate to the needs of special populations; and

“(7) provide for preparatory services that assist participants in tech-prep programs.

“(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each tech-prep program may—

“(1) provide for the acquisition of tech-prep program equipment;

“(2) acquire technical assistance from State or local entities that have designed, established, and operated tech-prep programs that have effectively used educational technology and distance learning in the delivery of curricula and services and in the articulation process; and

“(3) establish articulation agreements with institutions of higher education, labor organizations, or businesses located inside or outside the State and served by the consortium, especially with regard to using distance learning and educational technology to provide for the delivery of services and programs.

“SEC. 205. CONSORTIUM APPLICATIONS.

“(a) IN GENERAL.—Each consortium that desires to receive a grant under this title shall submit an application to the eligible agency at such time and in such manner as the eligible agency shall prescribe.

“(b) PLAN.—Each application submitted under this section shall contain a 5-year plan for the development and implementation of tech-prep programs under this title, which plan shall be reviewed after the second year of the plan.

“(c) APPROVAL.—The eligible agency shall approve applications based on the potential of the activities described in the application to create an effective tech-prep program.

“(d) SPECIAL CONSIDERATION.—The eligible agency, as appropriate, shall give special consideration to applications that—

“(1) provide for effective employment placement activities or the transfer of students to baccalaureate degree programs;

“(2) are developed in consultation with business, industry, institutions of higher education, and labor organizations;

“(3) address effectively the issues of school dropout prevention and reentry and the needs of special populations;

“(4) provide education and training in areas or skills in which there are significant workforce shortages, including the information technology industry; and

“(5) demonstrate how tech-prep programs will help students meet high academic and employability competencies.

“(e) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In awarding grants under this title, the eligible agency shall ensure an equitable distribution of assistance between urban and rural consortium participants.

“SEC. 206. REPORT.

“Each eligible agency that receives a grant under this title annually shall prepare and submit to the Secretary a report on the effectiveness of the tech-prep programs assisted under this title, including a description of how grants were awarded within the State.

“SEC. 207. DEMONSTRATION PROGRAM.

“(a) DEMONSTRATION PROGRAM AUTHORIZED.—From funds appropriated under subsection (e) for a fiscal year, the Secretary shall award grants to consortia described in section 204(a) to enable the consortia to carry out tech-prep education programs.

“(b) PROGRAM CONTENTS.—Each tech-prep program referred to in subsection (a)—

“(1) shall—

“(A) involve the location of a secondary school on the site of a community college;

“(B) involve a business as a member of the consortium; and

“(C) require the voluntary participation of secondary school students in the tech-prep education program; and

“(2) may provide summer internships at a business for students or teachers.

“(c) APPLICATION.—Each consortium desiring a grant under this section shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may require.

“(d) APPLICABILITY.—The provisions of sections 203, 204, 205, and 206 shall not apply to this section, except that—

“(1) the provisions of section 204(a) shall apply for purposes of describing consortia eligible to receive assistance under this section;

“(2) each tech-prep education program assisted under this section shall meet the requirements of paragraphs (1), (2), (3)(A), (3)(B), (3)(C), (3)(D), (4), (5), (6), and (7) of section 204(c), except that such paragraph (3)(B) shall be applied by striking “, and if possible and practicable, 4-year institutions of higher education through nonduplicative sequences of courses in career fields”; and

“(3) in awarding grants under this section, the Secretary shall give special consideration to consortia submitting applications under subsection (c) that meet the requirements of paragraphs (1), (3), (4), and (5) of section 205(d), except that such paragraph (1) shall be applied by striking “or the transfer of students to baccalaureate degree programs”.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1999 and each of the 4 succeeding fiscal years.

“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this title (other than section 207) such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

“TITLE III—GENERAL PROVISIONS

“PART A—FEDERAL ADMINISTRATIVE PROVISIONS

“SEC. 311. FISCAL REQUIREMENTS.

“(a) SUPPLEMENT NOT SUPPLANT.—Funds made available under this Act for vocational and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out vocational and technical education activities and tech-prep activities.

“(b) MAINTENANCE OF EFFORT.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for vocational and technical education programs or tech-prep programs unless the Secretary determines that the fiscal effort per student or the aggregate expenditures of such State for vocational and technical education programs for the fiscal year preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for vocational and technical education programs, for the second fiscal year preceding the fiscal year for which the determination is made.

“(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

“(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for vocational and technical education programs under this Act for a fiscal year is less than the amount made available for vocational and technical education programs under this Act for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (B) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

“(2) WAIVER.—The Secretary may waive the requirements of this section, with respect to not more than 5 percent of expenditures by any eligible agency for 1 fiscal year only, on making a

determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the eligible agency to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this section for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

"SEC. 312. AUTHORITY TO MAKE PAYMENTS.

"Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts.

"SEC. 313. CONSTRUCTION.

"Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school, regardless of whether a home school is treated as a private school or home school under State law. This section shall not be construed to bar students attending private, religious, or home schools from participation in programs or services under this Act.

"SEC. 314. VOLUNTARY SELECTION AND PARTICIPATION.

"No funds made available under this Act shall be used—

"(1) to require any secondary school student to choose or pursue a specific career path or major; and

"(2) to mandate that any individual participate in a vocational and technical education program, including a vocational and technical education program that requires the attainment of a federally funded skill level, standard, or certificate of mastery.

"SEC. 315. LIMITATION FOR CERTAIN STUDENTS.

"No funds received under this Act may be used to provide vocational and technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

"SEC. 316. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.

"Nothing in this Act shall be construed to be inconsistent with applicable Federal law prohibiting discrimination on the basis of race, color, sex, national origin, age, or disability in the provision of Federal programs or services.

"SEC. 317. AUTHORIZATION OF SECRETARY.

"For the purposes of increasing and expanding the use of technology in vocational and technical education instruction, including the training of vocational and technical education personnel as provided in this Act, the Secretary is authorized to receive and use funds collected by the Federal Government from fees for the use of property, rights-of-way, and easements under the control of Federal departments and agencies for the placement of telecommunications services that are dependent, in whole or in part, upon the utilization of general spectrum rights for the transmission or reception of such services.

"SEC. 318. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

"An eligible agency or eligible recipient that uses funds under this Act for inservice and preservice vocational and technical education professional development programs for vocational and technical education teachers, administrators, and other personnel may, upon request, permit the participation in such programs of vocational and technical education teachers, administrators, and other personnel in nonprofit private schools offering vocational and technical education programs located in the geographical area served by such agency or recipient.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"SEC. 321. JOINT FUNDING.

"(a) GENERAL AUTHORITY.—Funds made available to eligible agencies under this Act may be used to provide additional funds under an applicable program if—

"(1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;

"(2) such program serves the same individuals that are served under this Act;

"(3) such program provides services in a coordinated manner with services provided under this Act; and

"(4) such funds are used to supplement, and not supplant, funds provided from non-Federal sources.

"(b) APPLICABLE PROGRAM.—For the purposes of this section, the term "applicable program" means any program under any of the following provisions of law:

"(1) Chapters 4 and 5 of subtitle B of title I of Public Law 105-220.

"(2) The Wagner-Peyser Act.

"(c) USE OF FUNDS AS MATCHING FUNDS.—For the purposes of this section, the term "additional funds" does not include funds used as matching funds.

"SEC. 322. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.

"No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another State if such relocation will result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

"SEC. 323. STATE ADMINISTRATIVE COSTS.

"(a) GENERAL RULE.—Except as provided in subsection (b), for each fiscal year for which an eligible agency receives assistance under this Act, the eligible agency shall provide, from non-Federal sources for the costs the eligible agency incurs for the administration of programs under this Act an amount that is not less than the amount provided by the eligible agency from non-Federal sources for such costs for the preceding fiscal year.

"(b) EXCEPTION.—If the amount made available for administration of programs under this Act for a fiscal year is less than the amount made available for administration of programs under this Act for the preceding fiscal year, the amount the eligible agency is required to provide from non-Federal sources for costs the eligible agency incurs for administration of programs under this Act shall be the same percentage as the amount made available for administration of programs under this Act.

"SEC. 324. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.

"SEC. 325. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

"(a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

"(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

"(1) tuition and fees normally assessed a student carrying an academic workload as determined by the institution, and including costs for rental or purchase of any equipment, materials, or supplies required of all students in that course of study; and

"(2) an allowance for books, supplies, transportation, dependent care, and miscellaneous

personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

"(c) COSTS OF VOCATIONAL AND TECHNICAL EDUCATION SERVICES.—Funds made available under this Act may be used to pay for the costs of vocational and technical education services required in an individualized education plan developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to vocational and technical education."

SEC. 2. PROMOTING SCHOLAR-ATHLETE COMPETITIONS.

Section 10104 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8004) is amended—

(1) in subsection (a), by striking "to be held in 1995" and inserting "to be held in 1999"; and

(2) in subsection (b)—

(A) in paragraph (4), by striking "in the summer of 1995" and inserting "in the summer of 1999";

(B) in paragraph (5), by striking "in 1996 and thereafter, as well as replicate such program"; and

(C) in paragraph (6), by striking "1995" and inserting "1999".

SEC. 3. REFERENCES TO CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT.

(a) IMMIGRATION AND NATIONALITY ACT.—Section 245A(h)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1255a(h)(4)(C)) is amended by striking "Vocational Education Act of 1963" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998".

(b) NATIONAL DEFENSE AUTHORIZATION ACT.—Section 4461 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143 note) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(c) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—The Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1114(b)(2)(C)(v) (20 U.S.C. 6314(b)(2)(C)(v)), by striking "Carl D. Perkins Vocational and Applied Technical Education Act," and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998";

(2) in section 9115(b)(5) (20 U.S.C. 7815(b)(5)), by striking "Carl D. Perkins Vocational and Technical Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998";

(3) in section 14302(a)(2) (20 U.S.C. 8852(a)(2))—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E), respectively; and

(4) in the matter preceding subparagraph (A) of section 14307(a)(1) (20 U.S.C. 8857(a)(1)), by striking "Carl D. Perkins Vocational and Applied Technology Technical Education Act" and inserting "Carl D. Perkins Vocational and Technical Education Act of 1998".

(d) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by striking "(20 U.S.C. 2397h(3))" and inserting ", as such section was in effect on the day preceding the date of enactment of the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998".

(e) IMPROVING AMERICA'S SCHOOLS ACT OF 1994.—Section 563 of the Improving America's Schools Act of 1994 (20 U.S.C. 6301 note) is amended by striking "the date of enactment of an Act reauthorizing the Carl D. Perkins Vocational and Technical Education Act (20 U.S.C. 2301 et seq.)" and inserting "July 1, 1999".

(f) **WORKFORCE INVESTMENT ACT OF 1998.**—Section 101(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2801(3)) is amended by striking “section 521 of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471)” and inserting “section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998”.

(g) **APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.**—Section 214(c) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 214(c)) is amended by striking “Carl D. Perkins Vocational Education Act” and inserting “Carl D. Perkins Vocational and Technical Education Act of 1998”.

(h) **VOCATIONAL EDUCATION AMENDMENTS OF 1968.**—Section 104 of the Vocational Education Amendments of 1968 (82 Stat. 1091) is amended by striking “section 3 of the Carl D. Perkins Vocational Education Act” and inserting “the Carl D. Perkins Vocational and Technical Education Act of 1998”.

(i) **OLDER AMERICANS ACT OF 1965.**—The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(1) in section 502(b)(1)(N)(i) (42 U.S.C. 3056(b)(1)(N)(i)), by striking “or the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)”; and

(2) in section 505(d)(2) (42 U.S.C. 3056c(d)(2))—

(A) by striking “employment and training programs” and inserting “workforce investment activities”; and

(B) by striking “the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)” and inserting “the Carl D. Perkins Vocational and Technical Education Act of 1998”.

SEC. 4. ADULT EDUCATION AND FAMILY LITERACY.

The Adult Education and Family Literacy Act (20 U.S.C. 9201 et seq.) is amended—

(1) in section 224, by adding at the end the following:

“(g) **TRANSITION.**—The provisions of this section shall be subject to section 506(b).”; and

(2) by amending paragraph (2) of section 506(b) to read as follows:

“(2) **LIMITATION.**—The authority to take actions under paragraph (1) shall apply until July 1, 2000.”.

SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **WORKFORCE INVESTMENT ACT OF 1998.**—Section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841) is amended—

(1) in subsection (b)(1)(B)(iv), by inserting before the semicolon the following: “(other than part C of title I of such Act and subject to subsection (f))”; and

(2) by adding at the end the following:

“(f) **APPLICATION TO CERTAIN VOCATIONAL REHABILITATION PROGRAMS.**—

“(1) **LIMITATION.**—Nothing in this section shall be construed to apply to part C of title I of the Rehabilitation Act of 1973 (29 U.S.C. 741).

“(2) **CLIENT ASSISTANCE.**—Nothing in this Act shall be construed to require that any entity carrying out a client assistance program authorized under section 112 of the Rehabilitation Act of 1973 (29 U.S.C. 732)—

“(A) violate the requirement of section 112(c)(1)(A) of that Act that the entity be independent of any agency which provides treatment, services, or rehabilitation to individuals under that Act; or

“(B) carry out any activity not authorized under section 112 of that Act (including appropriate Federal regulations).”.

(b) **WAGNER-PEYSEY ACT.**—

(1) **IN GENERAL.**—Section 15 of the Wagner-Peyse Act (as added by section 309 of the Workforce Investment Act of 1998) is amended—

(A) in subsection (a)(2)(A)(i), by striking “under” and all that follows through “for which” and inserting “under the provisions of

this section for any purpose other than the statistical purposes for which”; and

(B) in subsection (e)(2)(G), by striking “complementary” and inserting “complementarity”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) take effect July 2, 1999.

(c) **REHABILITATION ACT OF 1973.**—Section 725(c)(7) of the Rehabilitation Act of 1973 (as amended by section 410 of the Workforce Investment Act of 1998) is amended by striking “management,” and all that follows and inserting “management;”.

SEC. 6. REPEALS AND EXTENSIONS OF PREVIOUS HIGHER EDUCATION AMENDMENTS PROVISIONS.

(a) **HIGHER EDUCATION AMENDMENTS OF 1986.**—Title XIII of the Higher Education Amendments of 1986 (Public Law 99-498) is repealed.

(b) **HIGHER EDUCATION AMENDMENTS OF 1992.**—The following provisions of the Higher Education Amendments of 1992 (Public Law 102-325) are repealed:

(1) Parts E, F, and G of title XIII.

(2) Title XIV.

(3) Parts A, B, C, and D of title XV.

And the Senate agree to the same.

BILL GOODLING,
HOWARD “BUCK” MCKEON,
FRANK RIGGS,
JOHN E. PETERSON,
SAM JOHNSON,
BILL CLAY,
MATTHEW G. MARTINEZ,
DALE E. KILDEE,

Managers on the Part of the House.

JIM JEFFORDS,
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TOM HARKIN,
BARBARA A. MIKULSKI,
PAUL WELLSTONE,
JACK REED,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1853) to amend the Carl D. Perkins Vocational and Applied Technology Education Act, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—VOCATIONAL AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

The Conference agreement improves vocational and technical education by strengthening academics, broadening vocational opportunities for students, sending more money to the local level, and increasing flexibility for State and local program needs.

FORMULA PROVISIONS

The Conference agreement authorizes such sums for Fiscal Years 1999–2003.

Federal to State formula

The House bill changes the formula provisions in the Act. The Federal to State formula allots basic State grant funds to States based upon two populations. Fifty percent would be sent based upon the population aged 15–19 in each State, and 50 percent based upon the population aged 20–24 in the

State. This distribution would be subject to each State receiving a minimum amount of one half of one percent of the total grant amounts (small state minimum). State allotments would be adjusted by the per capita income of the State, with the maximum adjustment ratio being 0.55 and the minimum being 0.4.

The Senate bill follows current law.

The Conference agreement follows the Senate bill.

Outlying areas

Both bills provide for grants of \$500,000 made to Guam, and \$190,000 each to American Samoa, and the Commonwealth of the Northern Mariana Islands from reserved funds. In addition, both bills require the Freely Associated States (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau) to compete for their allotment with Guam and American Samoa.

The House bill terminates funding for the Freely Associated States (the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau) on September 30, 2001.

The Senate bill terminates funding for the Freely Associated States (the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau) on September 30, 2004.

The Conference agreement follows the House bill.

Within State formula

The House bill requires States to send 90 percent of their basic State grant to the local level for secondary, postsecondary, and adult vocational education activities. Of this 90 percent, a State may reserve up to ten percent for rural (five percent) and urban (five percent) areas in the State. A State is required to reserve eight percent of the basic State grant for State leadership activities and two percent for administrative activities.

The Senate bill maintains several key set-asides found in current law. The Senate bill allocates 75 percent of the State grant for secondary, postsecondary, and adult vocational and technical education activities. The bill allows States to reserve 14 percent of their allotment for State leadership activities, ten percent for administration, and one percent for programming for criminal offenders.

The Conference agreement allocates 85 percent of the State grant for secondary, postsecondary, and adult vocational and technical education programs at the local level. Of this allocation, ten percent may be made available to award grants to rural areas; areas with high percentages of vocational and technical education students; areas with high numbers of vocational and technical education students; and communities negatively impacted as a result of changes in the new within State formula. In adopting this change, the Conferees recognize the inequities inherent in any formula toward rural areas and provide through this reserve a mechanism for States to compensate for these inequities. In addition to rural areas, the Conferees realize that the formula may not adequately reflect those schools or local areas that have a high percentage or population of students in vocational technical education programs.

The agreement also authorizes the State eligible agency to reserve an amount equal to ten percent of the total allotment for State leadership activities. Included in the funds reserved for State Leadership activities, up to one percent of the total allotment shall be used to serve criminal offenders, and not less than \$60,000 but no more than \$150,000 shall be used for services targeting

preparation for nontraditional training and employment. The Conference agreement authorizes the State eligible agency to reserve up to five percent of the total allotment, or \$250,000 (whichever is greater), for State administrative activities. This may be used for the costs of developing a State plan, reviewing a local plan, monitoring and evaluating the effectiveness of a program, assuring the compliance with all of the applicable federal laws, or providing technical assistance. Each State that receives this financial assistance shall match the reserve funds on a dollar-for-dollar basis.

NATIONAL ACTIVITIES

Both bills require the Secretary to develop and implement a plan for evaluation and dissemination of vocational and technical education programs. Both bills include provisions with regard to what is to be included in the evaluation and assessment plans. In addition, both bills allow the Secretary to award grants to establish national research centers. Demonstration and dissemination activities are also included. Both bills also require information collection on vocational and technical education programs. Adequate information on access to vocational and technical education by secondary students with disabilities is maintained in the data system.

The House bill extends the authorization of the National Occupational Information Coordinating Committee.

The Senate bill had no comparable provision.

The Conference agreement includes authority for the Secretary of Education to designate an entity at the national level to carry out certain functions related to occupational and employment information for vocational and technical education programs. The agreements also gives authority to the Secretary to award grants to designated State entities, which may include State Occupational Information Coordinating Committees established prior to enactment of this Act, to carry out State activities related to such information. The agreement prohibits any duplication of activities authorized under section 15 of the Wagner-Peyser Act. The Conferees expect the Secretary of Education, in carrying out this section, to consult with the Bureau of Labor Statistics and the Employment and Training Administration in order to avoid any duplication of activities.

INDIAN AND NATIVE HAWAIIAN PROGRAM AND TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL AND TECHNICAL INSTITUTIONS

Section 103 of the House bill authorizes grants to Indian tribes, tribal organizations, and Alaska Native entities for the purposes of carrying out vocational and technical education, but bars Bureau Funded secondary schools from receiving assistance under this Section. The Secretary is also directed to enter into contracts with organizations primarily serving Native Hawaiian programs. In addition, section 104 of the House bill also authorizes the Secretary to make grants to tribally controlled postsecondary vocational and technical institutions.

Section 114 of the Senate bill authorizes the Secretary to enter into grants or contracts to Indian tribes, tribal organizations, Bureau funded schools, and organizations primarily serving native Hawaiians for the purposes of carrying out vocational and technical education programs. Any organization that receives a grant or enters into a contract would be required to establish adjusted levels of performance to be achieved by students served and evaluate the quality and effectiveness of the program. In addition, the Section 115 of the Senate bill also authorizes the Secretary to make grants to

tribally controlled postsecondary vocational and technical institutions.

The Conference agreement follows the Senate bill with regard to the issuance of grants or contracts to Indian tribes, tribal organizations, but adds Alaska Native entities as eligible to receive a grant or enter into a contract. The agreement follows the House bill with regard to the majority of the provisions relating to tribally controlled postsecondary vocational and technical education institutions, including the maintenance of a separate authorization of appropriations for these activities. In addition, the agreement follows the Senate bill on the requirement to conduct needs estimates and reports on facility quality. The Conference agreement closely follows current law on these provisions.

STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES

State plan

The House bill requires a State plan to be for a minimum of five years. The plan would describe the vocational and technical education programs that would be carried out with funds received by the State. In addition, the plan would describe how funds received by the State would be allocated; describe how the State would improve the academic and technical skills of vocational technical education students; ensure that participating students are taught to the same academic proficiencies as are provided all other students; and describe how the State would evaluate the effectiveness of the programs annually.

The Senate bill requires a State plan to be for a minimum of three years. The plan would describe the vocational education activities designed to meet the State adjusted levels of performance. It would also describe how funds would be allocated. The plan would describe how funds would be used to expand and improve technology in instruction; to serve individuals in correctional institutions; and to link secondary and postsecondary education.

The Conference agreement follows the House bill with a few modifications. The State plan is to include information that describes the vocational education activities to be assisted that are designed to meet the State adjusted levels of performance. The plan is to be reviewed prior to the third program year. In addition, the plan describes the eligible agency's program strategies for special populations.

State leadership

Required use of funds

The House bill requires State leadership funds to be used for activities targeting the use of technology, professional development, and support for programs that improve the academic and technical skills of participating vocational technical education students.

The Senate bill requires State leadership funds be used for monitoring and evaluating the quality and improvement of vocational and technical education activities and for improving and expanding technology. In addition, the bill requires that funds be used to provide comprehensive professional development. The bill also requires that funds be used to: provide preparation for nontraditional training and employment; support tech-prep education activities; support partnerships among LEAs, institutions of higher education, adult education providers, and other entities; and to serve individuals in State institutions.

The Conference agreement merges the provisions of the two bills. The agreement also includes support for programs for special populations, and describes how funds will be used to serve individuals in correctional institutions.

Permissive use of funds

The House bill allows State leadership funds to be used for technical support of eligible recipients and to establish agreements between secondary and postsecondary programs. It also allows funds to be used for: support for programs for special populations; cooperative education; vocational student organizations; support for public charter schools operating secondary vocational and technical education programs; and programs that offer experience in all aspects of an industry for which students would be preparing to enter. In addition funds may be used for: family and consumer sciences programs; corrections education; education and business partnerships; and to improve or develop new vocational and technical education courses.

The Senate bill permits funds to be used for an array of activities, including support for vocational student organizations, and to provide programs for adults and school dropouts. It also allows funds to be used to provide assistance to participating students in finding a job and continuing their education.

The Conference agreement merges the provisions of the two bills.

Substate formula at the secondary level

The House bill phases in a new secondary substate formula over five years. Year one would operate under current law, and subsequent years would transition to a formula based 60 percent on poverty of individuals aged 15-19, and 40 percent on the population of individuals aged 15-19. The minimum grant would be \$10,000. The House bill also includes a waiver ability for States that develop an alternative formula that more effectively targets funds on the basis of poverty to Local Educational Agencies (LEAs).

The Senate bill follows current law on the distribution of funds, but raises the minimum grant to \$25,000.

The Conference agreement changes the secondary substate formula over two years. In the first year of the reauthorization, funds for secondary activities would be distributed under current law. Beginning in year two, seventy percent of the funds would be distributed based upon each LEA's share of the individuals aged 15-19 from economically disadvantaged families, and 30 percent distributed based upon the LEA's share of population aged 15-19. The agreement follows the House bill with regard to the waiver authority, and maintains current law with regard to the minimum grant of \$15,000.

Substate funding at the postsecondary level

The House bill follows current law on the postsecondary substate formula, which is based upon an institution's share of Pell Grant recipients. It sets the minimum grant at \$35,000. The bill also allows the Secretary to waive requirements to permit alternative formulas.

The Senate bill follows current law for the postsecondary substate formula, but sets the minimum grant at \$65,000.

The Conference agreement follows current law with regard to the formula, the minimum grant of \$50,000, and waiver authority.

ACCOUNTABILITY

The House bill requires the State to develop performance measures to measure the progress of the State. If the State has not demonstrated improvement in meeting its performance measures for 2 or more consecutive years, the Secretary may withhold all, or a portion of, the allotment. In addition, each eligible agency that receives an allotment must annually prepare and submit a report to the Secretary on the State's performance. This report is to include, in addition to other things, a description of the progress of special populations.

The Senate bill requires the Secretary to publish performance measures to assess the

progress of each eligible agency. Each eligible agency is to negotiate with the Secretary the adjusted levels of performance. Each eligible agency is to annually evaluate the vocational and technical education and tech-prep activities to determine the progress. If an organization is not making substantial progress, it is to conduct an assessment, enter into an improvement plan based on the assessment, and conduct regular evaluations of the progress being made. If the organization continues to not demonstrate improvement, the Secretary may withhold all, or a portion of, the allotment. The eligible agency that receives the allotment is to report annually on the progress made, including a description of the progress of special populations.

The Conference agreement requires the State performance measures to be established solely by the State, and are to include core indicators of performance. The State adjusted levels of performance shall be agreed upon by the State adjusted levels of performance shall be agreed upon by the State eligible agency (with input from local eligible recipients) and the Secretary for the first two program years covered by the State plan. Prior to the third program year, the Secretary and eligible agency shall reach agreement on the core indicators of performance for the third, fourth and fifth program years. Each eligible agency that receives this allotment shall prepare and submit an annual report to the Secretary describing the agency's progress.

LOCAL PROVISIONS

LOCAL USES OF FUNDS

Required use of funds

The House bill requires funds to be used for strengthening the academic and technical skills of participating students by strengthening the program components through the integration of academics with vocational and technical education; developing, improving, or expanding the use of technical in vocational and technical education; and providing professional development programs.

The Senate bill requires funds to be used to integrate academic education with vocational and technical education for participating student; to improve or expand the use of technology in vocational and technical education, including professional development; to provide professional development activities to teachers, counselors, and administrators; to develop and implement performance management systems and evaluations; to initiate and improve quality programs; to link secondary and postsecondary education, including tech-prep programs; to develop implement programs that provide access to quality programs for participating students, including special populations; to promote preparation for nontraditional training and employment.

The Conference agreement follows the majority of the provisions in the House bill. The agreement also requires funds to be used for programs designed to train teachers specifically in the use of technology; to provide services and activities that are of sufficient size, scope, and quality to be effective; and to link, secondary and postsecondary vocational and technical education, including implementing tech-prep programs.

Permissive use of funds

The House bill permits funds to be used for establishing agreements between secondary and postsecondary vocational and technical education programs; involving parents, businesses, and employee representatives in the design and implementation of programs; providing career counseling; providing work related experience; programs for special populations; local education and business partnerships; vocational and technical student organizations; mentoring and support services; equipment used on the programs; establishing programs and procedures that allow students and their parents to participate di-

rectly in decisions that influence the programs; teacher preparation programs; improving or developing new vocational and technical education programs; and support for family and consumer sciences programs.

The Senate bill allows funds to be used for providing guidance and counseling to participating students; supporting vocational and technical student organizations; student internships; providing vocational and technical education programs for adults and school dropouts; acquiring and adapting equipment; providing assistance to students in finding an appropriate job and continuing their education; and supporting other vocational and technical education activities.

The Conference agreement merges the two bills.

TITLE II—TECH-PREP PROGRAMS

The House bill permits the eligible agency to award grants to consortia on a competitive basis or on the basis of formula, in order to develop and operate a four to six year tech-prep education program. The tech-prep program is to be carried out with agreement among the participants in the consortium; consist of at least two years secondary school and two years higher education or a two year apprenticeship program; include the development of tech-prep education program components appropriate to the participants; include in-service training for teachers and training programs for counselors; provide equal access to tech-prep programs; and provide for preparatory services that assist participants.

The Senate bill permits the eligible agency to award grants to consortia for the development and operation of programs designed to provide tech-prep education. The tech-prep program is to be carried out with agreement among the participants; consist of at least two years of secondary school, two years of higher education or a two year apprenticeship program; include the development of tech-prep education programs for participants; meet State academic standards; link secondary schools and two-year postsecondary institutions; use work-based or worksite learning along with business and industry; use educational technology and distance learning; include a professional development program for teachers and training programs for counselors; provide equal access to tech-prep programs; and provide preparatory programs to assist special populations.

Both bills include provisions regarding the application process. The Conference agreement provides for grants to be awarded. These grants are to be awarded on a competitive basis or on the basis of formula. The agreement merges the House and the Senate bill with regard to the contents of the program. In addition, the agreement authorizes additional activities, including the acquisition of tech-prep education equipment, acquisition of technical assistance from State or local entities, the establishment of articulation agreements. The agreement also follows the House bill on the allotment provisions, but the Senate bill on appropriations and demonstration programs.

TITLE III—GENERAL PROVISIONS

Both bills clarify that the funds received under this Act shall be used to supplement, not supplant, the amount of funds that would be made available from non-Federal sources for vocational and technical education. Both bills also mandate that nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school.

The House bill includes provisions clarifying that: none of the funds under this Act shall be used for students prior to the seventh grade; and that none of the funds under the Act shall be used to require any secondary school student to choose or pursue a specific career path or major or to mandate participation in a vocational and technical education program or attain a federally funded

skill level, standard, or certificate of mastery. The bill further includes provisions clarifying that: nothing in the Act shall be construed to be inconsistent with Federal laws guaranteeing civil rights; permits the participation of personnel in non-profit private schools; allows the State to use additional funds under applicable programs; and prohibits funds to be used for the sole purpose of providing incentives to relocate a business from one State to another.

The Conference agreement generally follows the House bill, but merges provisions from both bills.

DEFINITIONS

SPECIAL POPULATIONS

The House bill includes individuals with disabilities, economically disadvantaged individuals, individuals with limited English proficiency, and individuals participating in nontraditional training and employment when describing special populations.

The Senate bill includes low-income individuals including foster children, individuals with disabilities, single parents and displaced homemakers, and individuals with other barriers to educational achievement including individuals with limited English proficiency when describing special populations.

The Conference agreement defines special populations as individuals with disabilities; individuals from economically disadvantaged families, including foster children; individuals preparing for non-traditional training and employment; single parents, including single pregnant women; displaced homemakers; and individuals with other barriers to educational achievement, including individuals with limited English proficiency.

BILL GOODLING,
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Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2281, DIGITAL MILLENNIUM COPY- RIGHT ACT

Mr. COBLE submitted the following conference report and statement on the bill (H.R. 2281) to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes:

CONFERENCE REPORT (H. REPT. 105-796)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2281), to amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: